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ARTICLES

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RIGHT OF DISCLOSURE AND THE DIGITISATION OF LIBRARY COLLECTIONS

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ABSTRACT

This text examines the impact of moral rights to non-disseminated works on the permissibility of libraries to digitise collections in which such works are embodied. Of fundamental importance in this respect is the author's moral right of disclosure, consisting of the right to decide on the first making available of a work to the public. The article presents the genesis and development of the system of copyright, inter alia in Poland, which, in relation to the author's economic rights, may be described as proprietary, which justifies the use of the notion of propertisation of copyright. However, the essence of the copyright system includes the expiration of rights to the economic exploitation of a work as it passes into the public domain, thereby enabling its digitisation by a library. To a limited extent, cultural heritage institutions also enjoy the right to use materials that are outside of the scope of the public domain, although their digitisation is subject to substantial limitations. Protection of the author's economic rights is not, however, the only factor in the construction of these restrictions. They also result from the legal system's recognition of moral rights, which include the right of disclosure (right of divulgation). This article discusses the phenomenon of the institutionalisation of moral

rights, followed by their theoretical conceptualisation, resulting in the formation of two models in continental legal systems: a monistic one, in which moral rights belong to the content of copyright, and a dualistic one, in which they are derived from the protection of personal interests. The normative approach in force in Poland, starting from the first, pre-war copyright law, is based on the latter concept, which is a result of its author's being inspired by French legal thought. As a result, a dualistic model was adopted in Poland, which assumes that the moral rights of authorship are inextinguishable and subject to be exercised after the death of the author by the author's relatives. Moreover, it was the intention of the pre-war legislator to protect moral rights to arbitrarily old works, which meant that works created in the period before the existence of copyright protection were also covered. Such an approach was maintained in both the subsequent copyright law of the 1950s and the one in force today. This has a substantial impact on the permissibility to digitise unpublished material, significantly limiting the scope of the public domain, which is the primary source of objects made available digitally by cultural heritage institutions. Consequently, this article discusses the need to amend the copyright law by either shaping moral rights in a manner characteristic of monistic systems or changing the normative shape of the author's right of disclosure to remove doubts concerning the permissibility of digitising unpublished material that is not the subject of author's economic rights. Although this article focuses on the matter described above from the perspective of libraries, the points made herein apply to other types of cultural heritage institutions engaging in digitisation activity relating to their collections, i.e. archives and museums, collectively referred to as the GLAM sector.

KEYWORDS: digitization of library collections, copyright law, right of disclosure, public domain

INTRODUCTION

In the light of Bronisław Malinowski's functional theory, culture must be understood as an integral whole, encompassing a number of material, human and spiritual elements, which help man cope with the problems he faces.¹ It includes, among other things, inherited material products.² Activity undertaken in the fields of arts and knowledge fulfils the integrative function of culture,³ thus leading to the satisfaction, by way of gratification, of human needs going beyond those of a purely physiological nature.⁴ Knowledge, according to Malinowski, serves to link different types of behaviour, enables the projection of past experiences into the future, integrates elements of human experience and allows the coordination of activities.⁵ Art, on the other hand, should be perceived as a carrier of tradition, but also an agent for its processing.⁶

Carl Gustav Jung identified the activity drive as one of the main instinctual factors, consisting of the urge to travel, the love of change, restlessness and the play-instinct.⁷ Man, in Jung's theory, is also characterized by a specific reflective instinct, which re-enacts the process of excitation and carries the stimulus over into a series of images. This, in turn, can manifest itself as a scientific achievement or a work of art.⁸ Reflection, in Jung's view, is the cultural instinct *par excellence*, whose strength manifests itself in the power of culture to maintain itself in the face of untamed nature. Linked to the reflective instinct is the creative impulse in man, which, although not universal in character, like other human drives, is characterized by its compulsiveness.⁹ Art, Jung ar-

1 See B. Malinowski, *Kultura i jej przemiany*, Warszawa 2000, p. 59.

2 See B. Malinowski, *Jednostka, społeczność, kultura*, Warszawa 2000, p. 82.

3 See B. Malinowski, *Kultura...*, p. 60.

4 See A. Waligórski, *Bronisław Malinowski*, „Przegląd Socjologiczny” 1976, vol. XXVIII, p. 273.

5 See B. Malinowski, *Kultura...*, p. 113.

6 Ibidem, p. 139.

7 See C.G. Jung, *Dynamika nieświadomości*, Warszawa 2014, pp. 135-136.

8 Ibidem, p. 136.

9 Ibidem.

gues, provides a way of speaking about archetypes, summoning up a voice stronger than our own, for what is described by primordial images, enthrals and overpowers, and what it describes, it lifts out of the occasional and the transitory and into the realm of the ever-enduring, transmuting our personal destiny into the destiny of mankind, thus enabling man to find a refuge from every peril.¹⁰

Since knowledge and art are fundamental to man's existence as both a psychological and social being, it should come as no surprise that, with the invention of writing, humans saw the need to collect and preserve cultural achievements. Among the great civilizations of the Near East, the Sumerian, Akkadian and Babylonian empires, located along the valleys of the Tigris and Euphrates rivers, provide rich archaeological material, which exists due to the durability of clay tablets used to record cuneiform writing.¹¹ On the other hand, the oldest Egyptian papyri, despite the relative sturdiness of this material, could not survive to the present day, so there are no archaeological discoveries that would help establish when the first library collections consisting of this type of media may have been created.¹² The oldest library so far discovered – a collection of several thousand clay tablets in Sumerian cuneiform script – was part of the furnishings of the palace at Ebla (now Syria) and is dated between 2,300 and 2250 BC.¹³ The earliest catalogue of library collections, on the other hand, dated to the second millennium BC, also comes from the Mesopotamian civilization.¹⁴ It is worth noting that during the period of the Ancient Eastern empires, the penalties for evading the obligation to return lent library materials, as well as their improper handling by users, were pronounced. Hence, clay tablets belonging to library collections included formulations that reminded the user of the need to return them, ref-

10 See C. G. Jung, *Archetypy i symbole : pisma wybrane*, Warszawa 1993, p. 398.

11 See L. Casson, *Libraries in the ancient world*, New Haven, 2002, p. 1.

12 Ibidem.

13 Ibidem, p. 3.

14 Ibidem, p. 4.

erences to religious motivations¹⁵ and even curses aimed at those who would think of destroying lent materials.¹⁶

With the emergence of successive ancient civilizations, the idea of the library developed, and such institutions were successively established. Perhaps the most famous for the Hellenistic cultural sphere was the Bibliotheca Alexandrina,¹⁷ which formed part of the Ptolemaic Museum. Its collection was so famous in the ancient world that Athenaeus of Naucratis, writing about the Museum during the much later reign of Marcus Aurelius, asked rhetorically if there was even the need to mention the enormous richness of its book collection.¹⁸ Paradoxically, apart from the knowledge that it existed, nothing can be said about this institution with sufficient certainty.¹⁹ The organizer of the first Roman public library, established in 39 BC, was Gaius Asinius Pollion.²⁰ During the Middle Ages, libraries of monastic congregations and universities were dominant, as was the case in Poland.²¹ It was not until the Renais-

15 Ibidem, p. 13, where the following content of one of the tablets discovered at Uruk is pointed out: *He who fears Anu, Enlil, and Ea will return it to the owner's house the same day.*

16 Ibidem, where the formulation is pointed to as an example of this type of curse: *He who breaks this tablet or puts it in water or rubs it until you cannot recognize it [and] cannot make it be understood, may Ashur, Sin, Shamash, Adad and Ishtar, Bel, Nergal, Ishtar of Nineveh, Ishtar of Arbela, Ishtar of Bit Kidmurri, the gods of heaven and earth and the gods of Assyria, may all these curse him with a curse which cannot be relieved, terrible and merciless, as long as he lives, may they let his name, his seed, be carried off from the land, may they put his flesh in a dog's mouth!*

17 Ibidem, pp. 31-47.

18 See Athenaeus, G. Kaibel, *Athenaei Naucraticae Dipnosophistarum libri XV*, Lipsiae 1887, book 5, chapter 36 (περί δὲ βιβλίων πλήθους καὶ βιβλιοθηκῶν κατασκευῆς καὶ τῆς εἰς τὸ Μουσεῖον συναγωγῆς τί δεῖ καὶ λέγειν, πᾶσι τοῦτων ὄντων κατὰ μνήμην;)

19 See R.S. Bagnall, *Alexandria: Library of Dreams*, "Proceedings of the American Philosophical Society" vol. 146 No 4 (2002), pp. 348-362, where the author points out that it is uncertain who founded the Alexandrina, what might have been the scale of its papyri collection, while it certainly couldn't have been as vast as it is widely perceived, i.e. consisting of hundreds of thousands of items and what was the cause of its destruction or if it was, in fact, destroyed or just degenerated in a natural historical process and finally ceased to function without any sudden cause.

20 Ibidem, p. 80.

21 See J. Sadowska, K. Zimnoch, *Biblioteki i ich użytkownicy : od elitarności do powszechności?* [in:] H. Brzezińska-Stec, J. Żochowska (eds.), „Biblioteki bez użytkowników...? : diagnoza problemu : V ogólnopolska konferencja naukowa, Supraśl, 14-16 września 2015”, Białystok 2015, pp. 21-23.

sance that the ancient idea of a public library returned, while a wider dissemination of this concept was to occur in the 17th and 18th centuries with the development of the Enlightenment ideology.²² The 19th century was a period of the creation of national libraries, especially by the newly formed European countries.²³ Poland, however, had to wait until it regained independence after the First World War to formally establish a national library,²⁴ although as early as 1780, the Sejm – the lower house of the Polish parliament – granted the then Załuski Library the right to receive a legal deposit.²⁵

The development of digital technology at the end of the 20th century gave libraries new, hitherto unknown possibilities, both in terms of the preservation, as well as the making available of their collections. Digitisation, initially on a small and later on a mass scale, together with the development of web technologies, made it possible to provide global access to library collections. In 2008, an initiative of the European Union led to the creation of the digital library Europeana, which aggregates the collections of a number of cultural institutions and today includes more than fifty million objects.²⁶ One of the key mass digitisation projects on a European scale is Polona, a digital library being developed by the Polish National Library, which makes available the digitised collections not only of this library but also of cooperating cultural institutions.²⁷ As of the end of 2022, Polona provided access to 3,814,571 digital objects.²⁸

22 Ibidem, pp. 24-29.

23 See A. Żbikowska-Migoń, *Wiek XIX - stulecie bibliotek* in: ed. H. Tchórzewska-Kabata, „Droga do Okólnika 1844-1944 : w 160 rocznicę powstania Biblioteki Ordynacji Krasińskich i w 60. - spalenia zbiorów bibliotek warszawskich w gmach BOK na Okólniku”, Warszawa 2005, p. 17.

24 See Decree of the President of the Republic of 24 February 1928 on the National Library (Polish Journal of Laws 1928 No. 21, item 183).

25 See A. Klossowski, *Biblioteka Narodowa w Warszawie: zbiory i działalność*, Warszawa 1990, p. 10.

26 See <https://www.europeana.eu/pl/about-us> [Accessed 20.07.2023].

27 See <https://polona.pl/> [Accessed 20.07.2023].

28 See *Sprawozdanie Biblioteki Narodowej za rok 2022*, Warszawa 2023, p. 55.

The mass digitisation of library collections has caused libraries to face not only technical but also legal challenges, the most important of which is related to the normative shape of a number of copyright institutions. A comprehensive presentation of all aspects of copyright issues relating to digitisation activities in the GLAM sector would go beyond the scope of this paper; therefore, its subject is limited first and foremost to the institution of moral rights, in particular, the author's right of disclosure (right of divulgation), the significance of which, it seems, will gradually grow in the context of mass digitisation processes.

2. THE PROPRIETARY MODEL OF COPYRIGHT

In order to clarify the origins and justification of the protection of moral rights, this matter has to be preceded by a presentation of the broader context of the emergence of copyright. Furthermore, it is important to establish the proprietary aspect of copyright known in continental legal systems as the author's economic rights, which constitute a subordinate and secondary category in relationship to copyright in general, the development of which only becomes comprehensible in the light of the conceptual and, consequently, also normative changes in the legal protection of creativity.

In antiquity, institutions providing this kind of protection did not exist.²⁹ However, according to one view, the perception of property in terms of natural law and the legal shape of this institution developed in classical Roman law³⁰ became the later theoretical and legal basis for the proprietary model of copyright and its legal-naturalistic justifications.³¹ It has also been argued that the

29 See e.g. J. Bleszyński, *Konwencja berneńska a polskie prawo autorskie*, Warszawa 1979, p. 7.

30 However, the widespread view of the almost absolute character of this right is not reflected in its changing normative shape. See on this subject W. Wołodkiewicz, *Europa i prawo rzymskie. Szkice z historii europejskiej kultury prawnej*, Warszawa 2009, Part III, Chapter II, point 10, LEX, [Accessed 20.07.2023]; W. Pańko, *O prawie własności i jego współczesnych funkcjach*, Katowice 2016, p. 24.

31 Cf. B. Atkinson, B. Fitzgerald, *A Short History of Copyright*, Cham 2014, p. 6.

category of immaterial items (*res incorporales*),³² already present in classical Roman law, and the personal servitude of usufruct (*usus-fructus*), defined as the right to use and derive profit from a thing owned by a third party to the exclusion of the essence of that thing (*ius alienis rebus utendi fruendo salva rerum substantia*),³³ constituted those normative models which, accordingly, made it possible to apply the construction of ownership of a thing to an intangible good, such as a work, and to shape the right to royalties due the rightsholder for the permission to use this good.³⁴ However, there is no doubt that the very concept of authorship of a work was known both in ancient Greece and in Rome.³⁵

The following medieval period did not see the development, either on a theoretical or consequently on a normative level, of institutions aimed to protect creative works. Neither the ideological climate of the epoch, with its theocentrism, which was expressed in the sphere of artistic activity by the emblematic maxim *ad maiorem Dei gloriam*, nor the nexus of economic relations and the institutions governing them, which can be with some level of simplification described as a feudal system,³⁶ with its typical double domain (*dominium directum et utile*),³⁷ could be conducive to the formation

32 See on this subject Dajczak, Wojciech, *Geneza określenia „res incorporalis” w prawie rzymskim*, in: ed. H. Olszewski, „Studia z historii ustroju i prawa : księga dedykowana profesorowi Jerzemu Walachowiczowi”, Poznań 2002, p. 41.

33 Cf. S. Wróblewski, *Zarys wykładu prawa rzymskiego*. [Cz. 2], *Prawo rzeczowe*, Kraków 1919, p. 141.

34 See A.R. Emmett, *Roman Law, Private Property and the Public Domain: Lessons for Copyright Policy*, [in] B. Fitzgerald, J. Gilchrist (eds), *Copyright Perspectives*, Cham 2015, pp. 17-27.

35 See B. Atkinson, B. Fitzgerald, *A Short History...*, p. 10. See the literature cited there on the view expressed by some authors of the existence of a prototype of literary property in ancient Rome, supposedly expressed in the trade in copies of certain dramatic works. Essentially, however, the economic mechanism of generating creative content was not based in antiquity on the recognition and protection of a subjective property right to exploit a work, but on the use by authors of other economic resources available to them, and sometimes also on the mechanism of patronage.

36 For doubts about the correctness of this term, cf. H.J. Berman, *Law and revolution: the formation of the Western legal tradition*, Cambridge, Mass 1983, pp. 41-42.

37 See K. Sójka-Zielińska, *Historia prawa*, Warszawa 2011, pp. 102-103.

of strong absolute subjective rights having as their object the products of human thought. There was, however, no atrophy of the very concept of authorship. While in early patristics, the very idea of property was identified with the realm of the contingency as a result of the fall into sin and the necessity to exist in an imperfect temporal world, which contaminated basically every human institution,³⁸ the conviction arose in late medieval thought, mainly in the teachings of St. Thomas Aquinas, that, insofar as co-ownership of goods is the principle inherent to the order of natural law, its nature does not oppose the exclusivity of property serving individual human beings on the grounds of positive law.³⁹

The modern era brought the technological revolution ushered in by the invention and dissemination of the printing press. The emergence of the technical ability to quickly and inexpensively

38 See P. Baldwin, *The Copyright Wars*, Princeton and Oxford 2014, p. 6. The most prominent expression of this attitude is considered to be the view of St Irenaeus of Lyons, who pointed out that, whatever the size of the possessions, their acquisition is always from the mammon of iniquity: [...] *Omnes enim nos aut modica aut grandis sequitur possessio, quam ex mammona iniquitatis acquisivimus*. Cf. Irenaeus of Lyons, *Sancti Irenaei episcopi lugdunensis Quae supersunt omnia accedit apparatus continens ex iis, quae ab aliis editoribus aut de Irenaeo ipso aut de scriptis eius sunt disputata, meliora et iteratione haud indigna*, Lipsiae 1849, p. 248. The notion of mammon of iniquity used here by Irenaeus is by no doubt taken from Luke (Luke 16:9): Καὶ ἐγὼ ὑμῖν λέγω, Ἐαυτοῖς ποιήσατε φίλους ἐκ τοῦ μαμωνᾶ τῆς ἀδικίας, ἵνα, ὅταν ἐκλίπητε, δέξωνται ὑμᾶς εἰς τὰς αἰωνίους σκηνάς. For a more extensive discussion of the early patristic position with regard to property and its treatment in the teaching of St. Thomas, cf. H. Chroust, R.J. Affeldt, *The Problem of Private Property According to St. Thomas Aquinas*, "Marquette Law Review", 1950-1951, vol. 34 no. 34.

39 St Thomas Aquinas put it this way: *Community of goods is ascribed to the natural law, not that the natural law dictates that all things should be possessed in common and that nothing should be possessed as one's own: but because the division of possessions is not according to the natural law, but rather arose from human agreement which belongs to positive law, as stated above (II-II:57:3). Hence the ownership of possessions is not contrary to the natural law, but an addition thereto devised by human reason*. Cf. *The Summa Theologiae of St. Thomas Aquinas : Second and Revised Edition*, <https://www.newadvent.org/summa/> [Accessed: 19.11.2023]. II^a-IIae q. 66 a. 2 ad. ([...] *communitas rerum attribuitur iuri naturali, non quia ius naturale dicitur omnia esse possidenda communiter et nihil esse quasi proprium possidendum, sed quia secundum ius naturale non est distinctio possessionum, sed magis secundum humanum conductum, quod pertinet ad ius positivum, ut supra dictum est. Unde proprietates possessionum non est contra ius naturale; sed iuri naturali superadditur per adinventionem rationis humanae*). Cf. *Sancti Thomae de Aquino Summa Theologiae secunda pars secundae partis a quaestione LXI ad LXXVIII*, <https://www.corpusthomicum.org/> [Accessed: 19.11.2023], II^a-IIae q. 66 a. 2 ad 1

reproduce written and graphic materials revealed three categories of actors whose partly common and partly conflicting interests in the creation and distribution of publishing production led to the development of the concept of legal protection of the products of human thought. These actors included creators, publishers and the audience – the recipients of creative works.

The first to recognize the need for the institutional protection of their interests were European publishers, who realised that the legal monopolisation of the technological process leading to the reproduction of materials was essential to ensure the stability of revenues flowing from their sales. Hence, the original normative forms of copyright protection were printing privileges, which were based on the granting of legal exclusivity for the production of materials by printing technology in the territory covered by the legislative authority of the entities establishing them, i.e. most often the monarch or other authority exercising this authority.⁴⁰ Violation of such a monopoly was punishable by criminal sanctions, and thus, unlike the modern construction of copyright law, its prototype was based on public rather than private law norms. Privileges were temporal and renewable, but in the event of definitive expiry, the material covered could be reproduced in print by anyone interested.

The growing drive in the 18th century to undermine this effect underpinned the emergence of a fundamental model of copyright law, which has remained relevant in Western legal systems to this day. Publishers began to question the extinction of the privileges granted to them by resorting to the well-known normative construct with which analogy most clearly justified their position, namely property. Provincial publishers, on the other hand, similarly challenged privileges in general as the exclusive basis for the permissibility of reproduction and distribution of works, as the

40 The first printing privilege was issued by the Venetian authorities (1486), followed by the French crown in favour of the booksellers of Paris (1507), the Holy Roman Empire (1512) and the British crown (1518), which established the office of King's Printer. Cf. B. Atkinson, B. Fitzgerald, *A Short History ...*, p. 17.

beneficiaries of the monopolies granted were most often their capital city competitors. The essence of this reasoning was that just as the acquisition of the ownership of a thing permanently transfers the right to the purchaser, who is not temporarily restricted in his ability to use it, collect its benefits or alienate it, similarly, the acquisition of a manuscript by a printer from its creator should give rise to analogous rights with regard to its exploitation. However, it was necessary here to assume that the right acquired by the publisher originally came into existence on the side of the creator of the manuscript. Hence, in order to justify the independence of the derivatively-acquired right to print from the time-limited privilege, it was necessary to justify the original right of the creator, which the creator transferred to the publisher. On the other hand, the creator's desire was to secure influence over the renewability of the printing privilege, with a view to secondary exploitation of the work after the expiry of the original terms. Thus, the interests of creators and some publishers converged in the negation of printing monopolies, even though each group sought to secure a dominant position in the publishing market. In the absence of any clear basis for the creator's right to the economic exploitation of the work in the legal orders of the time, the source of their justification in continental Europe became the legal naturalism theories of the time, while in the Anglo-Saxon legal area, the relevant justifications were sought on the basis of utilitarian theories and the *common law* equity tradition.

Crucial to these views was J. Locke's theory of the fruits of labour derived in Chapter V of the *Second Treatise on Government*, according to which God, who has given the world to men in common, has also given them reason to make use of it to the best advantage of life, and convenience, so the earth, and all that is therein, is given to men for the support and comfort of their being.⁴¹ The possibility of their appropriation, therefore, arose.⁴² At the same time, man

41 See J. Locke, *Dwa traktaty o rządzie*, Warszawa 1992, p. 181.

42 Ibidem.

has property in his own person, which also extends to the labour he performs.⁴³ Thus, that which man removes out of the state that nature has provided and left it in and mixes with his labour, joining it to something that is his own, becomes his property.⁴⁴ However, this assumption has two limitations. The first, known as the *Lockean proviso*,⁴⁵ stems from the proviso that the acquisition of property by the appropriation of goods as a result of the labour assumption to extract them from their original state is possible only where “at least where there is enough, and as good, left in common for others.”⁴⁶ The second restriction that Locke placed on the principle of appropriation of the fruits of labour is the prohibition against making its object goods in excess of human needs, which would have the effect of allowing their degradation.⁴⁷ In spite of the fact that Locke himself denied the possibility of relating the theory of property formulated in this way to immaterial goods,⁴⁸ and also that in modern science, there is a criticism of the “Lockean argument” as a philosophical and legal basis for copyright,⁴⁹ it remains the primary, naturalistic justification for the dominant property construction of this right in continental legal systems.⁵⁰

43 Ibidem.

44 Ibidem.

45 See R. Nozick, *Anarchy, state, and utopia*, Malden, MA 1999, pp. 178-182.

46 See J. Locke, *Dwa traktaty...*, s. 182.

47 Ibid, p. 189, where it is said that before the appropriation of land, he who gathered as much of the wild fruit, killed, caught, or tamed, as many of the beasts, as he could; he that so employed his pains about any of the spontaneous products of nature, as any way to alter them from the state which nature put them in, by placing any of his labour on them, did thereby acquire a propriety in them: but if they perished, in his possession, without their due use; if the fruits rotted, or the venison putrified, before he could spend it, he offended against the common law of nature, and was liable to be punished; he invaded his neighbour's share, for he had no right, farther than his use called for any of them, and they might serve to afford him conveniencies of life.

48 Cf. J. Peterson, *Lockean Property and Literary Works*, Legal Theory 2008, vol. 14, no. 4, pp. 272-273.

49 Cf.e.g. C. Sganga, *Propertizing European Copyright*, Cheltenham 2018, p. 20.

50 So C. Sganga, *Propertizing...*, p. 19; similarly M. Chatterjee, *Intellectual Property, Independent Creation, and the Lockean Commons*, 'UC Irvine Law Review' 2022, vol. 12, no. 3, p. 755.

This justification later gave rise to two concepts, one emphasising the need to create incentives to undertake work that man, as an inherently unpleasant activity, tends to avoid, and the other emphasising the increase in the social value of goods resulting from work, thus justifying the need to remunerate it and, as under the first concept, to create incentives to perform it.⁵¹

Among other commonly invoked, naturalistic justifications of copyright, which do not, however, reference property theory, is the thought of Immanuel Kant, who attributed to the creator an inherent, inalienable right to the work considered as an expression of personality.⁵² Reference is also made here to the views of G.W. Hegel, referred to as the personal theory of property, which grounds this institution in the free will striving for self-realisation, which occurs through the transformation of subjective freedom into objective freedom, through, inter alia, the appropriation of matter and its transformation into an external manifestation of the will by making it the object of a property right.⁵³ Indeed, Hegel saw the right of appropriation as an absolute expression of the personal will⁵⁴ while excluding the transferability of such goods which constitute the person's own person and the essence of man's self-knowledge.⁵⁵ Thus, it is possible to dispose of the thing constituting the medium of a product of thought, and thus, the purchaser becomes the owner of a copy, but the creator or inventor still remains the owner of the general means of reproduction of the product in question.⁵⁶ Hegel, therefore, seems to have allowed for the licensing of works, indicating that it is possible to convey their use to someone else for a limited period of time, but he ruled out the definitive alienation of everything (totality) that is thus pro-

51 Cf. C. Sganga, *Propertizing...*, p. 21.

52 Cf. I. Kant, *Von der Unrechtmäßigkeit des Büchernachdrucks*, 'Berlinische Monatsschrift', 1785, no. 5.

53 Cf. C. Sganga, *Propertizing...*, pp. 22-23 and the literature cited therein.

54 G.W.F. Hegel, *Zasady filozofii prawa*, Warszawa 1969, p. 64.

55 Ibidem, pp. 81-82.

56 Ibidem, p. 84.

duced, for this would be tantamount to a waiver of the substance of the creation and thus the personality of the creator.⁵⁷ The viability of this reasoning is confirmed by the normative model of German copyright, which is shaped as a non-transferable, albeit hereditary right.⁵⁸ Anchored in the thought of Locke, Kant and Hegel, naturalistic theories became the basis for the formation of the continental proprietary model of an author's economic rights, seen consequently at the level of positive law as a normative verbalisation of inherent human rights, which the legislator can only confirm, while they exist regardless of whether and to what extent such confirmation occurs in a given legal system.

An alternative theoretical basis for the recognition and protection of the economic aspect of copyright, which in turn influenced its model shaped in Anglo-American law, are theories derived from the doctrine of utilitarianism.⁵⁹ Rooted in the thought of J. Bentham and J.S. Mill, they assume that individuals are characterized by a tendency to maximize their benefit and thus maximize pleasure and minimize suffering.⁶⁰ The common benefit should, therefore, be understood as the sum of individual benefits, which justifies the introduction of social institutions that create incentives to take actions that are beneficial from this point of view, while refraining from actions that reduce the overall sum of benefits.⁶¹ In this view, the creator does not have an inherent, absolute right to the creations of the intellect, but its establishment as a kind of prerogative at the level of positive law fosters the generation of creativity, which serves to increase the scope of this common benefit.⁶² The philosophical underpinning behind the insti-

57 Ibidem, p. 83.

58 See § 28(1) and § 29(1) of the German Copyright Law (Gesetz über Urheberrecht und verwandte Schutzrechte, Gesetz vom 09.09.1965, BGBl. I S. 1273).

59 M. Senftleben, *Copyright, limitations and the three-step test: an analysis of the three-step test in international and EC copyright law*, The Hague 2004, p. 6.

60 See C. Sganga, *Propertizing...*, p. 24.

61 Ibidem.

62 See M. Senftleben, *Copyright...*, p. 6.

tutionalisation of Anglo-Saxon *copyright* described here, although based on a decidedly different reasoning than the naturalistic essence of continental copyright, does not, however, change the fundamental postulate, common for both these approaches, of shaping these rights as firstly serving the creator, and, secondly, as being based on the normative model of the right of ownership of things; therefore, one is fully justified in using the notion of propertisation of copyright.⁶³

At the same time, as pointed out in the literature, elements of both of the above-described theoretical justifications⁶⁴ are present in the historical approach, as well as in the current model of Western copyright, which is uniform in its essence. This does not mean, however, that one cannot discern originally significant and subsequently receding differences between the Anglo-Saxon and continental systems, which are precisely rooted in the different theoretical rationalisations of creators' rights. In particular, the shorter initial term of copyright protection in the Anglo-Saxon copyright model, as well as the requirement to fulfil certain formal steps in order to obtain this protection, broadens possibilities to transfer the right under copyright than in the continental systems of author's rights as well as the possibility for these rights to arise originally in the property of an entity which is not a natural person (the author). Above all, this results in the long absence of moral rights in the Anglo-Saxon model.⁶⁵

Notwithstanding the gradually vanishing differences between Anglo-Saxon copyright and continental rights of authorship, the basic normative template for the creator's right of economic exploitation of creativity became, and remains to this day, the ownership of things. Already in the first normative act introducing this protection, i.e. the English Statute of Anne of 1710, the provisions of which clearly represented the spirit of utilitarian theories,

63 See C. Sganga, *Propertizing...*, p. 24.

64 See cf. M. Senftleben, *Copyright...*, p. 7.

65 See P. Baldwin, *The Copyright ...*, pp. 22-29.

a universally binding right was introduced for the creator of a book to reproduce it in print in principle for a period of fourteen years from the date of publication.⁶⁶

Several trends can be observed in the course of the development of the author's economic rights based on the ownership model from the 18th century until the present day; these include the constant strengthening of the rights of authors at the expense of the audience, the privileging of intellectual property, also as regards tax, as there is no equivalent of real estate tax in relation to it, and the increase of rights resulting from author's economic rights in relation to any derived creation and thus their extension to so-called derivative rights.⁶⁷

At the same time, this phenomenon has the opposite vector to the transformations of ownership *sensu stricto*, i.e. of ownership which has movable and immovable property as its object. The social theories of ownership, developed since the end of the 19th century, among which the most significant is the one formulated by L. Duguit,⁶⁸ perceived that ownership as an institution performs a specific social function and hence must be subject to restrictions connected thereto. Ownership cannot, according to this view, have the character of *ius absolutissimum*, stemming from Romanistic theories considering the classical Roman institution of *dominium* in such a limitless way. Instead, it should be subject to the limitations arising from the function mentioned above, which should be expressed in a prohibition to exercise this right in a certain way or even in a positive legal duty to exercise it in the interest of the owner himself or of the collective.

The idea of the social function of property has gradually found expression in civil legislation, especially in continental Europe. In Polish civil law, its current expression is the wording of Article

66 *An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of such Copies, during the Times therein mentioned.* "The Statutes of the Realm" No. 8 Ann. c. 21.

67 See cf. P. Baldwin, *The Copyright ...*, pp. 3-8.

68 See L. Duguit, *Kierunki rozwoju prawa cywilnego od początku XIX wieku*, Warszawa 1938.

140 of the Civil Code,⁶⁹ which establishes as the limits of ownership the provisions of statutory law, the principles of community life and the socioeconomic purpose of this right. Concurrently, the Polish legislator, beginning with the first Copyright Law of 1926⁷⁰ [CL1926], through the Copyright Law of 1952⁷¹ [CL1952], which replaced it, up to the Copyright Law of 1994⁷² [CL1994] currently in force, consistently represents the proprietary model of author's rights in a dualistic variant modelled on the Romanistic model, which will be discussed later. It must be kept in mind that the universality of this normative model, and thus its maintenance by the Polish legislator, results not only from the convergence of copyright regulations in a globalised world but also from international legal obligations,⁷³ as well as those resulting from Poland's membership in the European Union,⁷⁴ which in principle impose the proprietary shape of the institution of copyright. However –

69 Law of 23 April 1964. - Civil Code (Polish Journal of Laws 2022, item 1360, as amended).

70 Law of 29 March 1926 on copyright (Polish Journal of Laws of 1935, No. 36, item 260, as amended).

71 Law of 10 July 1952 on copyright (Polish Journal of Laws No. 34, item 234, as amended).

72 Law of 4 February 1994 on copyright and related rights (Polish Journal of Laws 2022, item 2509).

73 In this respect, multilateral international agreements are of key importance, namely the Berne Convention for the Protection of Literary and Artistic Works of 9 September 1886, reviewed in Berlin on 13 November 1908 and in Rome on 2 June 1928 (Polish Journal of Laws of 1935, No. 84, item 515, as amended), as well as the Convention on the Establishment of the World Intellectual Property Organisation, drawn up in Stockholm on 14 July 1967 (Polish Journal of Laws of 1975, No. 9, item 49).

74 The ownership model of copyright is already confirmed at the level of fundamental rights of the European Union, as Article 17(2) of the Charter of Fundamental Rights of the European Union (OJ C 326, 26.10.2012, p. 391–407) explicitly states that intellectual property is subject to protection. When it comes to EU secondary law, Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10–19), as well as Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (OJ L 130, 17.5.2019, p. 92–125).

despite criticism⁷⁵ – this normative model is already so deeply rooted in institutional culture that it has resulted in the acceptance of intellectual property in everyday language as denoting principally the objects of copyright.

The proprietary model of copyright law adopted by the Polish legal system is expressed by the shaping of the author's fundamental rights in a way that reflects the rights of the owner in relation to a thing. The author, through the very act of establishing the work, obtains the monopoly of its exploitation and the possibility to transfer his rights by way of legal acts.⁷⁶ These rights are also hereditary in nature.⁷⁷ Therefore, the author's economic rights have the character of effective *erga omnes* subjective rights of a prohibitory nature, the correlate of which is the prohibition, addressed to all other participants of legal intercourse, of encroaching on the author's or his legal successor's monopoly.⁷⁸ This monopoly is not absolute, however.

75 See e.g. A. Peukert, *Intellectual Property as an End in Itself?*, 'European Intellectual Property Review' 2010, vol. 33, no. 11.

76 Pursuant to Article 8(1) of the Law on copyright and related rights, the owner of the copyright shall be the author unless this act states otherwise, whereby Article 1 section 4 of the act provides that the work shall be in copyright from the moment it is established, even though its form may be incomplete. In turn, pursuant to Article 17 of the cited act, unless it states otherwise, the author shall have an exclusive right to use the work and to manage its use throughout all the fields of exploitation and to receive remuneration for the use of the work. Examples of fields of exploitation of a work are listed in Art. 50 pts. 1-3 of the act, including among them, within the scope of fixing and reproduction of works - production of copies of a piece of work with the use of specific technology, including printing, reprographics, magnetic fixing and digital technology; within the scope of trading the original or the copies on which the work was fixed - introduction to trade, letting for use or rental of the original or copies; within the scope of dissemination of works in a manner different from defined in item 2, public performance, exhibition, screening, presentation and broadcast as well as rebroadcast, and making the work publicly available in such a manner that anyone could access it at a place and time selected thereby.

77 The principle of transferability and inheritance of author's economic rights is introduced by Article 41 section clause 1 pts. 1-2 of the act, which provide that the author's economic rights may devolve upon other persons through inheritance or by contract and that the person who acquires the author's economic rights may transfer them to other persons, unless the contract stipulates otherwise. .

78 Cf. A. Wolter, J. Ignatowicz, K. Stefaniuk, *Prawo cywilne: zarys części ogólnej*, Warszawa 2020, pp. 164-165.

Firstly, the author's economic rights are limited in time, yet this limitation is currently rather illusory, owing to the generally applicable expiry date of copyright, which is usually seventy years after the death of the creator.⁷⁹ Secondly, despite the general tendency to strengthen the scope and degree of protection of the author's economic rights, as mentioned above, as well as the lack of formulation of the general limits of copyright, as is the case, *inter alia* in the Polish legal system in relation to classical property, positive law formulates a number of exceptions to the principle of exclusivity of the rightsholder as to the use of the work in order to ensure minimum protection of the public interest or legitimate private interest.⁸⁰ These exceptions, commonly labelled in legal English as fair use, yet referred to in the Polish legal system as permitted use of protected works and in Polish jurisprudence also as statutory licenses, allow cultural heritage institutions, including

79 Cf. Art. 36 of CL1994, providing that, subject to exceptions provided for in this act the author's economic rights shall expire after the lapse of seventy years:

- 1) from the death of the author, and in case of joint works - from the death of the coauthor who has survived the others;
- 2) in the case of a piece of work the author of which is not known - from the date of the first dissemination, unless the pseudonym does not raise any doubts as to author's identity or if the author disclosed his/her or her identity;
- 3) in the case of a piece of work with respect to which the author's economic rights are, under statutory law, enjoyed by a person other than the author - from the date of dissemination of the work and if the work has not been disseminated from the date of establishment thereof;
- 4) in the case of an audio-visual work - from the death of the last of the following: the main director, the author of screenplay, author of dialogues, composer of music written for the audio-visual work.

80 See the provisions of Articles 23-35 of CL1994, grouped in Section 3 of Chapter 3, entitled "Permitted use of protected works". It is worth noting at this point that, in contrast to the normative content of the classical property right, explicitly including the limitations indicated in Article 140 of the Civil Code, the limitations referred to above (statute, principles of social co-existence, socio-economic purpose of the right), CL1994 treats the possibility of limiting the rightsholder's exclusive use of a work not as an intrinsic determinant of its boundaries, but as an exception that cannot be interpreted expansively (*exceptiones non sunt extendendae*), the normative expression of this assumption having been set forth in CL1994 in its Article 35, which states that the permitted use must not interfere with the normal use of the work or harm the legitimate interests of the author, implementing in this respect the so-called three-tier test present in Article 9(2) of the Berne Convention and Article 4(5) of Directive 2001/20/EC. See more on this subject M. Senftleben, *Copyright...*, pp. 43-96.

libraries and archives, to lend within the scope of their statutory tasks, copies of published works, to reproduce works in their own collections for purposes of supplementation, preservation and protection of such collections and to make their collections available for research or private study via dedicated terminals on the premises of such institutions – so long as these activities are not performed to achieve a direct or indirect economic benefit.⁸¹ The latter two rights allow libraries to digitise their collections and make them available via internal web networks. However, an essential source of library resources for digitisation processes, apart from materials not constituting the carriers of any creative works, are those materials which – although they do encompass works – were not covered by copyright protection due to the time of their creation or are no longer covered by such protection due to the expiration of applicable copyright protection time limits. Therefore, these materials belong to the public domain, which means that, *prima facie*, any interested party may use them in any manner, including by reproducing or disseminating them, including via web networks. Their digitisation may, therefore, be carried out by the cultural heritage institutions in whose collections the materials are located, as well as by other interested persons.⁸²

81 See Article 28 section 1 item 1-3 of CL1994.

82 The case of Italy is interesting in this respect, where the provisions of the Cultural Heritage Code (Codice dei beni culturali) are in force, which allow cultural institutions to set fees for the commercial use of objects from their collections, even when these objects are in the public domain. This issue is highly controversial especially in the context of the implementation of the DSM Directive. See e.g. R. Caso, *Michelangelo's David and cultural heritage images. The Italian pseudo-intellectual property and the end of public domain*, "Kluwer Copyright Blog", <https://copyrightblog.kluweriplaw.com/2023/06/15/michelangelos-david-and-cultural-heritage-images-the-italian-pseudo-intellectual-property-and-the-end-of-public-domain/>, [Accessed 20.07.2023]; D. De Angelis, B. Vézina, *The Vitruvian Man: A Puzzling Case for the Public Domain*, "Communia", <https://communia-association.org/2023/03/01/the-vitruvian-man-a-puzzling-case-for-the-public-domain/>, [Accessed: 20.07.2023]; G. Dore, *The puzzled tie of copyright, cultural heritage and public domain in Italian law: is the Vitruvian Man taking on unbalanced proportions?*, "Kluwer Copyright Blog", <https://copyrightblog.kluweriplaw.com/2023/04/06/the-puzzled-tie-of-copyright-cultural-heritage-and-public-domain-in-italian-law-is-the-vitruvian-man-taking-on-unbalanced-proportions/>, [accessed: 20.07.2023].

3. MORAL RIGHTS: INSTITUTIONALISATION, CONCEPTUALISATION

The development of copyright, both in continental Europe and in Anglo-Saxon countries, led to the development of a number of institutions related to creativity, which were finally conceptualised normatively in the first half of the 20th century as author's moral rights (French: *droit moral*, German: *Persönlichkeitsrecht*). The recognition of the work as a subject of proprietary and transferable rights gave rise to rules under which the author was entitled to demand that his authorship be attached to that work, to oppose changes to the work, to decide on its dissemination and to renounce the authorship of the work after its publication. Originally, such rights were treated as part of either the rules governing the author's contract or those relating to tort rights when it came to works that the author had not disposed of.⁸³ These rules thus flowed from the general law of obligations, being an adaptation of them to the particular type of legal interest that was a work.

In the period leading up to the First World War, it was primarily in Germany where the search for a theoretical basis justifying the validity of the above rules began. This was principally due to the predominance of the Pandect system of private law norms, i.e. their division into personal law, property law and contract law. The difficulty in clearly qualifying the author's economic rights as belonging to one of these categories led to the emergence of two opposing views. According to one, the interests that are the subject of these rights should be considered as an element inherent to the person of the author, which would lead to qualifying the rights referred to above as an emanation of the right of personality, or personal rights.⁸⁴ However, this theory was not able to sufficiently explain the transferability of the author's economic rights. Ultimately, therefore, both French and German private legal theory

83 Cf. C.P. Rigamonti, 'The Conceptual Transformation of Moral Rights', *The American Journal of Comparative Law*, 2007, vol. 55 no. 1, pp. 71-72.

84 Ibid, p. 97.

considered them, from the point of view of the pandect classification, as belonging to the category of property rights,⁸⁵ which was an expression of the theoretical concept of the propertisation of copyright described above. What remained to be resolved, however, was the legal nature of the author's specific rights indicated above relating to the work, i.e. related to authorship, deciding on the first publication, its integrity and the possibility to waive authorship. Two competing concepts emerged in this respect. According to the first, these rights do not belong to the scope of copyright, which has only the economic aspect of a work as its subject matter, thus, they remain in the domain of the author's personal interests. Consequently, irrespective of the issue of their explicit, separate regulation, they constitute the subject matter of personal rights or the right of personality in a broad sense. This concept, referred to as the dualist theory, developed in the French theory of copyright, which named the aspect of personality rights associated with creativity as *droit moral*, which eventually found normative expression in the French Copyright Law.⁸⁶

An alternative theory was later developed by Germanic jurisprudence. Due to the fact that the great German civil code of 1896 (*Bürgerliches Gesetzbuch* - BGB), which is still in force today, did not provide for the general protection of personal interests, and a condition of tort liability was - just as it is nowadays also under Polish law - the illegality of the tortious act, it was necessary for positive law to explicitly recognize a specific subjective right in order for its infringement to become a prerequisite for such an *ex delicto* liability. As a consequence, initially in case-law, and later in jurisprudence, a view emerged, according to which those specific rights related to creativity, which cannot be directly qualified as economic

85 Ibidem, p. 98.

86 See the French law of 11 March 1957 on literary and artistic property (Loi du 11 mars 1957 sur la propriété littéraire et artistique), in particular Article 19 which regulates the right of the author to decide on the first release of a work to the public. For a more extensive discussion, see M. Rushton, *The Moral Rights of Artists: Droit Moral ou Droit Pécuniaire?*, "Journal of Cultural Economics" 1998, vol. 22, no. 1, pp. 15-32.

rights, do not constitute a subcategory of personality rights, but a non-economic aspect of copyright, which consequently has a uniform character and regulates two spheres of the author's interests: one economic, the other non-economic. This concept, described as monistic, found its ultimate expression in the German Copyright Law of 1965.⁸⁷

The development of the theory of moral rights in the two structural variants presented above coincided with work on the revision of the Berne Convention. In the course of the 1928 Rome conference on this subject, the Italian delegation led by Eduardo Piola Cassele sought to supplement the provisions of the convention with such a regulation of the above rights that would be modelled on article 16 of the Italian Copyright Law of 1925, i.e. a provision regulating the moral rights to authorship and integrity of a work on a strictly monistic basis.⁸⁸ The Italian proposal sought to introduce into the text of the Convention the right of disclosure in addition to the above-mentioned rights. The opposition of the delegations of the Anglo-Saxon countries resulted in the abandonment of this proposal, but the text of the Convention was nevertheless supplemented by Article 6^{bis}, which, although it did not explicitly represent either the monistic or the dualistic theory, introduced the protection of the right to authorship and the right to the integrity of the work.⁸⁹

87 See footnote 7.

88 The literature points to an interesting relationship in Italy between the regulation of moral rights and the fascist ideology in force at the time, an essential component of which was the primacy of the spiritual over the material, the myth of the power of the individual will, also expressed in creativity, but at the same time the omnipotence of the State in accordance with Benito Mussolini's famous saying "Everything in the State, nothing outside the State, nothing against the State". Consequently, the Italian law, on the one hand, introduced a broad protection of moral rights of authorship in the name of safeguarding the interests of the creator and, on the other hand, allowed the State to exercise these rights after the creator's death in the event that his family members remained passive on the subject. Cf. P. Baldwin, *The Copyright ...*, pp. 163-170.

89 According to the current wording of this provision of the Berne Convention, as agreed under its Stockholm Act of 1967, still only the right to authorship and the right to the integrity of the work are protected, while, according to paragraph 2 of Article 6bis, the rights granted to the author under paragraph 1 of this pro-

The period of the above-described discussion on the introduction of moral rights into the Berne Convention took place shortly after the enactment of the Polish CL1926. Poland's regaining of independence in 1918 resulted in the need to introduce new, uniform legislation in many areas, replacing different laws in force under the former partitions. Such separate normative acts inherited from the Russian, Austrian and German legal systems were also in force in the area of copyright law.⁹⁰ From the very beginning of the re-born Republic of Poland, the artistic milieu demanded the legal unification of this area, through the introduction of a unified copyright act, which resulted in its adoption on 29 March 1926.⁹¹ The final shape of this law was substantially influenced by the views of the main rapporteur of the bill, Fryderyk Zoll. As far as the approach to the main problems of copyright law was concerned, Zoll was strongly influenced by the theories developed in French legal thought, which he expressed in statements made both at the stage of work on the bill and subsequently.⁹² Consequently, CL1926 introduced a dualistic model of copyright,⁹³ based on the separation of *droit moral* as a separate category of author's rights, subject to essen-

vision shall, after his death, be maintained, at least until the expiry of the economic rights, and shall be exercisable by the persons or institutions authorized by the legislation of the country where protection is claimed. However, those countries whose legislation, at the moment of ratification or accession to this act, does not provide for the protection after the death of the author of all the rights set out in the preceding paragraph may provide that some of these rights may, after his death, cease to be maintained.

- 90 See W. Dbałowski, J.J. Litauer, *Ustawodawstwo autorskie obowiązujące w Polsce*, Warszawa 1922.
- 91 On this subject, see P. Dąbrowski, *Geneza Ustawy o prawie autorskiem z 29 marca 1926 roku*, "Studia Iuridica Toruniensia", 2010 no. 7, pp. 66-89.
- 92 See S. Gołąb, *Ustawa o prawie autorskiem z dnia 29 marca 1926 r.z materiałami*, Warszawa 1928; F. Zoll, 'Polska ustawa o prawie autorskiem i konwencja berneńska', Warszawa 1926; E. Ferenc-Szydełko, 'Prawo autorskie na ziemiach polskich do 1926 roku' in: *Zeszyty Naukowe Uniwersytetu Jagiellońskiego. Prace z wyalazczości i ochrony własności intelektualnej*, Zakamycze 2000, z 75, pp. 75-76.
- 93 However, cf. C.P. Rigamonti, *The Conceptual Transformation...*, p. 113, who takes the position that CL1926 was conceptually based on a dualistic model, but formally represented a monistic approach, and this in view of the standardization of author's moral rights within the act, and not outside it - as belonging to the category of law or rights of personality.

tially unlimited protection.⁹⁴ Despite the radical political transformation resulting from Poland's inclusion in the Eastern Bloc after the Second World War, the legislator at the time based the regulation of *droit moral* in the provisions of CL1952 on assumptions analogous to those predicating the pre-war law.⁹⁵ The viability of the concept of copyright law adopted in Poland in the pre-war period became apparent in the changed post-1989 legal and political reali-

94 The normative expression of this approach was the provision of Article 12 of CL1926, which stated that the author disposed of his work exclusively and in all respects; in particular, he decided whether the work was to be published, whether it was to be reproduced, disseminated and in what manner, with the protection of moral rights serving every author regardless of the existence or non-existence of copyright. The pre-war law did not introduce a closed catalogue of moral rights, using the legislative technique of indicating the most important of these rights in the provision regulating their protection, i.e. Article 63 sentence 3, which stated that personal harm in terms of the creator's relationship to the work occurred when someone: appropriated the author's authorship, the author's name or a pseudonym; did not indicate in his or her work the author or the source from which he or she had taken content or extracts, so that a misconception of authorship could arise, or falsely stated the author or the source; published a work not intended for publication by the author; made changes, additions or abridgements to the publication which have distorted the content or offended the dignity and value of the work; published the work in a grossly inadequate manner; made changes to the original work, marked the original work of art with the creator's name against their will or otherwise revealed the authorship against their will; diminished the value of the work in criticism by deliberately misrepresenting the facts, etc. See on the genesis and justification of the regulation of *droit moral* in CL1926 from the point of view of the main author of this Act, F. Zoll, *Znamienny objaw umoralnienia prawa w polskiej ustawie o prawie autorskim*, Lwów 1936; on this subject also *Droit moral w polskiej ustawie o prawie autorskim z 1926 roku na tle uregulowań Francji i Niemiec*, „Rynek - Społeczeństwo - Kultura” 2018, no. 2, pp. 181-185 and J. Słyszewska, ‘Ochrona praw twórców w świetle ustawy o prawie autorskim z 29 marca 1926 roku’, *Civitas et Lex*. 2020, vol. 26, no. 2, pp. 43-58. For a general discussion of the genesis of the pre-war act, see P. Dabrowski, *Geneza...*, pp. 66-89.

95 Article 15(1) of CL1952 stated that copyright included, within the limits set by this act, the right to protection of the authors' moral rights. The open catalogue of the author's rights flowing from this protection was in turn covered by Art. 52 of CL1952, which provided that an infringement of the author's moral rights was committed by a person who appropriated the author's authorship, name or pseudonym (item 1), omitted the author's name when publishing or reproducing the work (item 2), placed the author's name on the work against his will or otherwise disclosed the authorship (item 3), failed to indicate in his work the author or the source from which he derived the content or exceptions, or falsely indicated the author or source (Section 4), published a work not intended by the author to be published (Section 5), made changes, additions or abridgements to the work which distorted the content or form or diminished the value of the work (Section 6), or otherwise acted to the detriment of the author's moral rights (Section 7).

ties. This is because CL1994, which is currently in force, has clearly distinguished the author's moral rights – for the first time explicitly calling them so (in Polish verbatim as *author's personal rights* – “autorskie prawa osobiste”) – as a separate category of rights serving the author, autonomous from the author's economic rights. A separate provision – Article 16⁹⁶ – has been devoted to these rights, and in order to emphasise the importance of their regulation and the dualism of copyright, a separate chapter 3 of CL1994, entitled *Of Author's Moral Rights*, containing only this single provision, has been introduced, yet it should be noted that it does not cover the whole scope of author's moral rights, which pertains, for instance, to the right of an author to repurchase an original of a publicly displayed artistic work in case the owner decides to destroy it.⁹⁷

Although the provisions regulating *droit moral* have been in force in Poland for almost a century in a largely unaltered wording, they still give rise to a number of controversies, and consequently remain a significant topic of legal scholarship, generating many contradictory opinions. To date, there is no consensus on such issues as, inter alia: the relation of the author's moral interests to general personal interests, the unity of the author's moral right or the multiplicity of such rights, the actual subject of the author's moral rights, the possibility of their expiration, the nature of the rights of the legal successors of a deceased author to exercise moral rights, the nature of the author's right of disclosure, the manner of exercising this right, the scope of the consent granted in this respect and a number of other minor issues.⁹⁸

96 See Article 16 of CL1994. Pursuant to its content, unless it provides otherwise, moral rights protect the author's relationship with the work, which is unlimited in time and not subject to waiver or sale, and in particular the right to: authorship of the work (1), signing the work with one's own name or a pseudonym or making it available anonymously (2), inviolability of the content and form of the work and its proper use (3), deciding on the first making available of the work to the public (4 – right of disclosure) and supervising the way the work is used.

97 See Article 32 (2) of CL1994.

98 A general overview of the most important issues of concern against the background of moral rights was formulated by B. Gisen and E. Wojnicka, see B. Gisen, E. Wojnicka [in:] ed. J. Barta, *System prawa prywatnego. T. 13 : Prawo autorskie*, Warszawa 2013. 300–454.

It has been observed in Polish jurisprudence that shaping moral rights as an indefinite *droit moral*, autonomous in relation to the author's economic rights, does not correspond to the realities of the contemporary intellectual property market.⁹⁹ The framing of this autonomy, which found expression in the provisions of CL1926 and subsequent copyright laws, neglected to acknowledge the connection between the subject of moral and economic author's rights even though the recognition of such a relationship resulted in regulating those first as the personal aspect of the author's unitary rights in monistic systems. Consequently, in dualistic models, the exercise of moral rights necessarily entails an interference with the so-called *vinculum spiritualis*, a spiritual knot, which authors of the pre-war CL1926 – influenced by personalistic and idealistic concepts discussed above – aimed to regulate as absolute. This relationship has a significant impact on the possibility of both the exercise of the author's economic rights acquired by third parties and the use of works on the basis of statutory exceptions, i.e. within the framework of fair use.

4. IMPACT OF THE AUTHOR'S MORAL RIGHT OF DISCLOSURE ON LAWFUL ACCESS TO LIBRARY COLLECTIONS

Without taking a stance in the ongoing debate between adherents of the unity and those of the multiplicity of author's personal interests, and consequently the unity of the author's personal rights versus the multiplicity of such rights, it should be pointed out that under CL1994, currently in force, the author has the right of disclosure, that is to decide on the first making available of the work to the public, said right being unlimited in time and not subject to waiver or transfer. The statutory notion of making available to the public is equivalent to the dissemination of a work.¹⁰⁰ The

99 Ibidem, p. 310.

100 This follows from the legal definition of a distributed work introduced by Article 6 (3) of CL1994, which states that a distributed work is a work that has been made available to the public in any way with the author's permission.

right of disclosure, defined in CL1994 as the right to decide on the first making of the work available to the public, is considered to be a cornerstone of the theory of *moral* rights; by some authors of the idea of *droit moral*, it is considered even more important than the right of authorship itself.¹⁰¹ It is an absolute subjective right,¹⁰² which is based on the creator's unlimited power to decide on the dissemination of the work. This is because the creator makes the ultimate decision as to whether his work deserves to be made public and whether it has already acquired a shape mature enough for it to be revealed to the audience. This right is prohibitory in nature, which means that it corresponds to a prohibition on interfering with the protected interest. Such a prohibition is addressed to all other participants of the legal sphere. Hence, it can be said that the subject of the right in question is, in fact, not to disseminate the work. The autonomous nature of the author's moral rights, resulting from the dualism of copyright, makes the above prohibition function completely separately from the author's economic rights to a work; therefore, the existence or expiry of these economic rights in addition to any legal basis for using the work is irrelevant to the author's entitlement to the right of disclosure. As long as this right of disclosure is not exercised by the author or after the author's death by a spouse or the author's descendants, parents, siblings or descendants of siblings – unless the author expressed a different will – any form of exploitation of the work which infringes this right, be it dissemination of the work or anything which results in such dissemination, is illegal, giving rise to economic

101 See the statements of O. v. Gierke quoted by B. Gisen and E. Wojnicka, B. Gisen, E. Wojnicka *Prawo autorskie...*, p. 360.

102 The notion of subjective right (e.g. 'droit subjectif' in French legal system, 'subjektives Recht' in German, 'diritto soggettivo' in Italian etc.) is a core concept in continental private law theory, developed in the XIX century. According to the classical definition developed in Polish jurisprudence, it should be understood as a sphere of possibility to behave in a certain way, conferred and safeguarded by the legal norm. See A. Wolter, J. Ignatowicz, K. Stefaniuk, *Prawo cywilne...*, p. 155. For a comparative analysis of the subjective right concept see H. Dedek, *Subjective Right(s)* in: J. M. Smits, J. Husa, C. Valcke, M. Narciso (eds.), *Elgar encyclopedia of comparative law*, Northampton 2023.

claims on the part of the person entitled to exercise the right of disclosure – i.e. the author himself or his successors – and, in theory, giving rise even to the criminal liability of the disseminator.¹⁰³

One of the primary tasks of libraries is to make their collections accessible to the public.¹⁰⁴ In relation to non-digitised collections, this involves public lending, i.e. lending library material to library users, either for use on-site or with the possibility of taking it outside the premises of the library. With regard to digitised collections in libraries, access to them is made via web networks and relies on the possibility for users to display the digital form of the library material on a device with a network connection (computer, smartphone, tablet). On the other hand, any public availability of library collections implies the dissemination of works established in such collections.¹⁰⁵ These include both materials comprising works that remain under copyright protection and materials that are unprotected because the author's economic rights have expired or never came into existence in the first place. The permissibility of disseminating public domain materials by libraries – in the realm of the author's economic rights – is a consequence mainly of the expiration of these rights (already described above), which has the effect that after a specified period, usually 70 years after the author's death, the exclusive right to use and dispose of the work in all fields of exploitation and to receive remuneration for the use of the work ceases to exist. This also applies if the economic rights to the work have not arisen at all, due to its establishment in the period prior to the introduction of copyright protection. With regard to works protected by unexpired economic rights, libraries

103 See Articles 78 (2) – (3) and Article 116 (1) of CL1994.

104 See Article 4(1)(2) of the Law of 27 June 1997 on libraries (Polish Journal of Laws 2022, item 2393).

105 This results from the fact that, firstly, as it has already been pointed out, Article 6 (1) – (3) of CL1994 relates the concept of dissemination to any manner of making a work available to the public, and secondly, provisions of Article 50 (2) – (3) of this act qualify as dissemination both the lending or leasing of the original or copies of the work and making it available to the public in such a manner that making available to the public of their works in such a way that members of the public may access them from a place and at a time individually chosen by them

are entitled to enter into the sphere of the exploitation monopoly of the author or his successors on the basis of permitted public use, i.e. express statutory exceptions, granting permission to use these works in a specific manner regardless of the will of the rights holder, as mentioned above.

The dualistic model of copyright, on which the norms of CL1994 are based, means that the lack of infringement of economic rights by a certain behaviour does not imply that there is no infringement of moral rights. Hence, the use of a work on the basis of a valid and effective contract, being the basis for the acquisition of economic rights, as well as the use of a work to which such rights have expired, or the exploitation of a work on the basis and within the limits of a statutory exception, does not preclude *per se* an infringement of moral rights along with such exploitation. This principle is fully applicable to the right of disclosure (*verba legis* of Article 6 (4) of CL1994), which may be exercised only by the author and, after the author's death, by statutorily-defined persons; hence, in the case of non-exercise of this right by the entitled, any exploitation of the work qualified as its dissemination constitutes an infringement.

In the context of libraries' rights, the above rule means that they may disseminate only those works that do not infringe the moral right of disclosure when made available, i.e. works that are already disseminated in the legal sense. This applies both to works to which economic rights have already expired and those that remain within the scope of such rights, being used on the basis of statutory exceptions granted to GLAM institutions. It should be emphasized that all ways of making collections publicly available that take place on the basis of such a statutory license serving those institutions constitute, at the same time, the dissemination of the works being subject to such statutory exception from a rightsholder economic monopoly. As already indicated, the lending of copies or originals of works also qualifies as dissemination, and this pertains with no exception to the fair use of libraries, i.e. public lending. Also, making works available on publicly accessible ter-

minals located on the premises of GLAM institutions, although not explicitly indicated within the fields of exploitation covered by the category of distribution under Article 50 (3) of CL1994, belongs to the normative scope of dissemination, as they are available to the public, i.e. anyone interested may familiarize themselves with the content of the work, but must do so on the premises of a given library, similarly to traditional collections, since a work is considered disseminated when it is accessible to the public in any way, including through library facilities.

The need to respect the author's moral right of disclosure is most evident in the area of public lending, as this form of permitted public use only concerns copies of disseminated works. With regard to the statutory exception enabling access to collections on library terminals, it should be noted that the subject matter of this license includes the collections in general, without the reservation that it concerns materials being media of disseminated works. There are doubts as to whether the legislator's intention to allow GLAM institutions to make available in such a manner works that are not strictly defined as disseminated – as is the case with the public lending license – was to broaden the scope of the exception creating the right to share GLAM collections via on-site terminals, so that it would also include non-disseminated materials. Similar doubts arise with respect to the exception enabling reproduction of works from the GLAM institutions' own collections, which also includes their digitisation. The current wording of the above-mentioned license, codified in the 2015 amendment to CL1994,¹⁰⁶ provides that its subject matter covers works in general not limited to those which are disseminated, while according to the previous wording, the license permitted the making and commissioning of copies of disseminated works, thus limiting the subject matter of the GLAM institution's right to use the works whose commu-

106 Article 1 (10) of the Law of 11 September 2015 amending the Law on copyright and related rights and the Law on gambling (Polish Journal of Laws 2015, item 1639).

nication to the public was made with the author's permission, as was – and still is under the current law in force – the case with the public lending license. At the same time, the grounds of the bill introducing the said amendment¹⁰⁷ indicate that the scope of the statutory license allowing for the reproduction of works is extended, but doubts arise as to whether it has such an effect without the direct simultaneous amendment of provisions establishing the right of disclosure.¹⁰⁸ These doubts seem legitimate, considering that there are no grounds under the current law to assume that libraries may make non-disseminated works publicly available via their terminals, despite the fact that such a conclusion may be drawn by comparing the subject of the license providing for this right with the public lending license. It should be observed that under CL1994, if the legislator wants to establish a statutory exception to the author's economic rights, which interferes with the author's moral rights, the legislator does so explicitly.¹⁰⁹ An example of the normative tendency described here is the admissibility of making changes to a work by the acquirer of the author's economic rights,¹¹⁰ although, as a rule, the acquisition of these rights does not result in the admissibility of violating the author's personal right to the integrity of the content and form of the work.

Consequently, it should be pointed out that where CL1997 allows an intrusion into the area protected by personal rights within the framework of fair use, this is expressly stipulated in the specific provision regulating the respective form of use. If the act is silent on this, there are no grounds for assuming that the interference

107 Parliamentary Paper No. 3449, 7th Term of Parliament, Government Bill to amend the Law on copyright and related rights and the Law on gambling with draft implementing acts, p. 21.

108 See B. Błońska in: W. Machała (ed.), R. M. Sarbiński (ed.), *Copyright and Related Rights. Commentary*, Warszawa 2019, Article 28, LEX, [Accessed 21.07.2023].

109 This applies, for example, to the right to non-infringement of the content and form of a work (Article 16(3)), which is subject to impairment under the right of quotation (Article 29), which allows the use of excerpts of works, or under teaching or scientific use, which also allows such use (Article 27(1)).

110 See Article 49 of CL1994.

in question is permissible. Moreover, according to the three-step test applicable under CL1994, fair use must not infringe the normal use of the work or harm the legitimate interests of the author, so it may be argued that the need to respect moral rights may justify the view that the making available by libraries to the public of non-disseminated works whose term of protection has not yet expired, even in a manner consistent with the content of the statutory licence under Art. 28(1) of CL1994, not only results in an infringement of moral rights, as it interferes with the author's right of disclosure, but also constitutes a transgression of the boundaries of fair use and thus also constitutes an infringement of the author's economic rights.

Thus it has to be stated that regardless of the status of a work in the light of economic rights and irrespective of the way in which it is made available to the public by libraries, i.e. by means of public lending of a physical copy, making a digital copy publicly available via website or only internally available through on-site terminals, each such act should be considered a dissemination of the work, which means that it is permissible only if the author - or persons entitled after the author's death - exercised the right of disclosure, that is decided on the first making available of the work to the public. With regard to a non-disseminated work, any public communication by a cultural heritage institution may result, in a formal sense, in an infringement of moral rights.¹¹¹

4. THE PROBLEM OF PROTECTION OF MORAL RIGHTS TO SO-CALLED ARBITRARILY OLD WORKS

The above-mentioned principle has no limitations under CL1994, which means that works established after entry into force (24 May 1994) enjoy the absolute protection of the author's right of disclosure. The question arises, however, as to the retroactive scope of this right, given that library collections contain numerous materials created under old laws, i.e. CL1952, the preceding CL1926, under

111 According to the legal definition in Article 6(3) of CL1994 *a contrario*.

earlier laws of the partitioning states, and even during the apparent absence of any copyright protection. This problem has not been analyzed in depth by Polish jurisprudence. It is noteworthy that a number of issues related to the inter-temporal aspects of CL1994 have been the subject of numerous and extensive statements by copyright scholars, yet this particular problem has remained somewhat on the margins of mainstream academic discussion. Perhaps this is due to the fact that the practical importance of this issue has not yet been recognized by copyright scholars, having increased dramatically only in the last few years with the development of information technologies as well as the initiation and implementation of mass digitisation processes in the GLAM sector, which have only recently started to focus on the old unpublished materials. It also seems that interpretative efforts, aimed at defining a clear point in time from which the protection of moral rights is initiated, cannot bring satisfactory conclusions, and those that appear to be the most convincing are irreconcilable with common sense, the requirements of usage of trade and the values of protection and dissemination of cultural heritage, so Polish copyright jurisprudence is in no rush to justify these efforts more extensively even though they were directly formulated under the old regulations.

In order to properly analyse this issue, it is necessary first to go back chronologically to the first normative act that expressly established *droit moral* in the Polish legal system, with one of its emanations being the right of disclosure, i.e. CL1926. This right arose with respect to works established from the date of entry into force of this law, i.e. 14 June 1926. However, the question arises as to the possibility of applying the provisions of CL1926 to moral rights to a work established prior to its entry into force, specifically with respect to this particular right, which may be framed as the question of whether works being non-disseminated as at the above date also became subject to the right of disclosure which CL1926 granted to the author and, after his death, enabled the members of his family to enforce the resulting claims. It may appear that the

resolution of this controversy should be sought in the transitional provisions of CL1926. They provided that the act also applied to copyrights existing on the day of its entry into force, which, however, did not shorten the duration of the rights, as specified by the previous laws, yet extended it only if the copyright was still held by the author or the author's heirs.¹¹² The conclusion that the above rule also applied to moral rights should, however, be rejected. The 1926 Copyright Law did not use the notion of moral rights at all, and the concept of copyright under its provisions referred exclusively to the author's economic rights.¹¹³ Consequently, the above-mentioned transitional norm could not regulate the retrospective effects of the establishment of the right of disclosure.

However, the view that CL1926 did not have such effects would be unjustified. Such effects were, in fact, intentionally introduced by the creators of this act and even considered so significant that they were set out in its material provisions rather than in its closing provisions, wherein the continental legislative tradition transitional norms are typically found. The said law stated¹¹⁴ that the protection of moral rights serves every author regardless of the existence or non-existence of copyright itself. Consequently, in formulating the prerequisites for claims for infringement of *droit moral*, CL1926 provided that they served even if the copyright did not exist at all, had expired, had been transferred or was ineffective.¹¹⁵ This means that the pre-war legislator introduced retroactive protection of the *droit moral*, and therefore also of the right of disclosure, without any *caesura temporis*. The protection of moral rights referred not only to works with expired copyrights, an obvious conclusion of the temporal indefiniteness of moral rights, but also to works to which copyrights – i.e. in the nomenclature of the present CL1994 author's economic rights – did not exist at the mo-

112 See section 75 of CL1926.

113 See F. Zoll, 'Tzw. „droit moral” w dziedzinie prawa autorskiego', *Czasopismo Prawnicze i Ekonomiczne* 1929, Yearbook XXV, p. 286.

114 See Paragraph 12 sentence 2 of CL1926.

115 See Paragraph 62 of CL1926.

ment of CL1926's entry into force. The question arises, therefore, as to which works could be referred to by this term, i.e. which works could be qualified as works to which no author's economic rights arose at all. In response to this question, it should be pointed out that such works include precisely those which were established in the absence of any copyright legislation. Thus, the pre-war law protected moral rights to indefinitely old works, which was a legislative solution fully intended by its authors. The legal and theoretical trends of the first half of the 20th century, which have already been mentioned, influenced the shaping of *droit moral* to such an extent that it was deemed appropriate to introduce their unlimited protection regardless of the moment of establishment of the work, demanding the protection of moral rights to even the most ancient works.¹¹⁶

- 116 In this respect, the position expressed by F. Zoll is significant, which, both because of its value for the interpretation of the above-mentioned provisions and because of its manner of expression, characteristic of the approach discussed here, is worth quoting *in extenso*. According to this author: [...] *That is so, Horace is not all dead, neither are Mickiewicz, Sienkiewicz, Dante, Shakespeare, Moliere, Beethoven, Mozart. They are still alive among us, they speak to us with their masterpieces, they teach us, educate us, raise our spirits, develop our feelings, and we are constantly obliged to be grateful to them for this. The law must take this into account: It must also reckon with the fact that the personal interests of deceased authors remain valid: their love for these works, their fame as authors, the success of their ideas expressed and recorded in the work, the power of their propaganda, expansions, making people happy, instructing and uplifting them - and therefore these interests should continue to receive legal protection. The law must also take care that these Great Departed should be able to speak to us - as they did when they were alive - in a pure and unadulterated form, as this is demanded not only by reverence for their memory, but also by the cultural interests of society, and even of all mankind. And the fact that they are not physically alive and do not fulfil the functions that various authors living among us can fulfil, cannot stop the law from fulfilling its task. [...]* It is worth mentioning that the need to protect the moral rights to works of deceased authors was perceived by F. Zoll as important to the extent that he postulated that these works should be granted legal personality so that they could themselves pursue claims for violation of *droit moral*. See F. Zoll, *Polska ustawa...*, op. cit., pp. 56-57. Also noteworthy is the view of J. Brzechwa, not only a famous Polish poet, but also a lawyer, working for the enactment of CL1926, who stated: [...] *Norwid's copyright in the posthumous works continues to this day. Brzechwa was to go on to argue that [...] the protection of the author's moral rights is enshrined in Article 62 in such a universal manner that it cannot be subject to any limitation on the basis of the author's person or nationality ("even if the copyright is extinguished"). This is because it is not only about the protection of the personal interest of the author, but also about the public interest, to which the second paragraph of Article 63 is devoted in its entirety. Starting from such assumptions, it should be established*

There should be, therefore, no doubt that CL1926 protected moral rights to indefinitely old works, which, of course, included the author's right of disclosure. However, in 1952, this act was replaced by its successor, so the issue arises as to the relation of this later act to the question at hand. Copyright, according to CL1952, included the right to protect the author's moral rights.¹¹⁷ In turn, an infringement of the author's moral rights was committed by anyone who published a work not intended by the author for publication.¹¹⁸ At the same time, the provisions of this act also applied to copyrights existing on the date of its entry into force.¹¹⁹ This determines that CL1952 upheld the rule established by the preceding CL1926 that moral rights include limitlessly old works, and these rights include, of course, the right to decide on the first communication of the work to the public. The legislative technique adopted by the legislature at the time was similar to that adopted with respect to the pre-war law but with some differences. The law of the Polish People's Republic period did not yet use the concept of the author's moral rights, as was the case with its predecessor, providing only for the author's moral interests. It made the right to their protection an element of the general copyright, which brought the implemented solution closer to monistic systems. Analogous to the pre-war law, the content of the rights constituting *droit moral* was defined indirectly by indicating the grounds for claims for their protection. Of key importance here, however, is the extension of the provisions of CL1952 to copyrights existing on the date the normative act entered into force. Since the protection of moral rights

that the protection of personal rights is not limited by the periods of statutory copyright protection under Article 21. Thus, the concern for the public interest, for the interest of the "ideal consumers" (Prof. Zoll) of works of art will justify the protection of personal rights of Żeromski, Matejko or Moniuszko as much as those Chopin Shakespeare or Raphael. Distortion of any work of art, whether new or very old, Polish or foreign, can create in the minds of Polish consumers a false, and thus harmful, image of the artistic, literary or scientific qualities of a given work of art. See J. Mazurkiewicz, Non omnis moriar: ochrona dóbr osobistych zmarłego w prawie polskim, Wrocław 2010, p. 189.

117 See Article 15(1) of CL1952.

118 See Article 52(5) of CL1952.

119 See Article 61 of CL1952.

belonged to the scope of copyright law, consequently, this protection, which was enjoyed by works on the basis of the repealed provisions of CL1926, fell within the notion of copyright existing on the date CL1952 entered into force. As a result, during the period in which CL1952 was in force, i.e. until 23 May 1994, the author's right of disclosure, which had as its subject indefinitely old works, was still protected.

The next normative act chronologically was the act currently in force – CL1994, so the question of the relation of this act to the protection of moral rights to such works should be formulated. The author-work bond subject to protection by moral rights is normatively defined as unlimited in time.¹²⁰ The transitional provisions, on the other hand, do not explicitly determine the fate of the moral rights granted by the former act, but this does not seem to stand in the way of reconstructing the legislator's stance in this respect. Of key importance here is the transitional provision of CL1994,¹²¹ stating that its provisions apply to works established for the first time after entry into force as well as to works whose copyright according to the previous provisions has not expired, and to works whose copyright according to the previous provisions has expired, but which according to this act continue to enjoy protection, excluding the period between the expiry of protection under the previous act, i.e. CL1952, and the entry into force of CL1994.

In order to resolve the issue of moral rights in relation to indefinitely old works under the current state of copyright law, i.e. CL1994, the key issue is the rule providing for the protection of works whose copyright, according to the preceding provisions, did not expire. If it is assumed that what is at issue here are works whose moral rights did not expire under CL1952, it is obvious that

120 See Article 16 *in princ.* of CL1994.

121 See Article 124(1) of CL1994. On the interpretation of this provision in relation to author's economic rights see e.g. M. Czajkowska-Dąbrowska, *Zasięg przedmiotowo-temporowy ustawy o prawie autorskim i prawach pokrewnych a zasady intertemporalne* in: A. A. Nowicka (ed.), 'Private Law of the Time of Change. A memorial book dedicated to Professor Stanisław Sołtysiński', Poznań 2005, pp. 653-670.

the invoked provision maintains moral rights in all works whose rights were protected by CL1952. Since CL1952 maintained the scope of protection of the author's moral rights as defined by the provisions of the former CL1926, it must be considered that this scope continues to apply in its original form, which means that the author's moral rights to indefinitely old works are still protected under CL1994, currently in force.

If, on the other hand, it is assumed that the notion of copyright, whose expiry is provided for under the said transitional provision of CL1994, should be construed as encompassing exclusively the author's economic rights, owing to the fact that only such rights can expire, then it would follow that its provisions on moral rights apply only to (1) works established for the first time after this act came into force, (2) works whose copyrights have not expired according to the provisions previously in force and (3) works whose the copyrights have expired according to the provisions previously in force, but which were still protected on the day the current act entered into force. The consequence of such a view would have to be the assumption that the legislator decided to correlate the protection of moral rights to works established prior to the entry into force of CL1994 with the period of protection of the author's economic rights to these works under the former CL1952 as extended by the new act. Generally, the former CL1952 provided for a period of protection of the author's economic rights of twenty-five years, calculated accordingly from the death of the author or the publication of the work.¹²² In contrast, the current CL1994 in its original version extended this period to fifty years. This would lead to the conclusion that moral rights would have been maintained for works to which the author's economic rights had not expired on 24 May 1994, i.e. works by authors who died at the earliest in 1945, and anonymous or pseudonymous works disseminated at the earliest in that year. Of course, from the point of view of the right of disclosure, only the former date would be relevant. However, such an understanding of

122 See Article 26(1) and (2) of CL1952.

the transitional norm of CL1994 must be rejected. If nothing else, the rules of linguistic interpretation demand this. The relevant provision speaks of copyright in general and not of the author's economic rights. Meanwhile, CL1994, unlike the two preceding copyright acts, explicitly introduced the notion of moral rights. If the legislator had intended to include only economic rights within the scope of the transitional rule discussed here, this would have been done explicitly, using the nomenclature consistently employed in the act. As there is no such limitation of copyright to the author's economic rights, then, in accordance with the principle *lege non distinguente nec nostrum est distinguere*, such an interpretation should be rejected.

Further, it should be observed that, although the wording of the transitional norm present in the provisions of CL1994 is certainly not the clearest one, it is possible to reconstruct its material scope as covering not only economic but also moral rights. This results not only from the use of the general notion of copyright but also from the reference to the notion of its expiration, which does not have to be read as indicating that only rights that by their nature may expire are at issue. Since moral rights are unexpirable, copyrights, which are unexpired within the meaning of the law in force,¹²³ should be considered to encompass not those whose non-expiration is due to the lack of expiry of the statutory term of protection, i.e. economic rights, but a *minori ad maius*, but also those which cannot expire at all due to their nature, i.e. moral rights. The non-expirable character of the latter has been expressly confirmed under both the current and pre-war laws. The previous copyright act, i.e. CL1952, lacked an explicit norm establishing such an attribute, but it was unanimously accepted by the jurisprudence at the time.¹²⁴ Therefore, it should be accepted that the notion of unexpired rights on the grounds of the transitional norms of CL1994 should be understood as also referring to moral

123 See Article 124(1)(2) of CL1994.

124 See S. Grzybowski [in:] S. Grzybowski, A. Kopff, J. Serda, *Zagadnienia prawa autorskiego*, Warszawa 1973, p. 243.

rights, which means that this act is applied within the scope of the provisions regulating these rights to works for which the said rights were protected (not expired) on the grounds of CL1952, and – as a consequence – also under the provisions of the earlier CL1926. As the latter included indefinitely old works within the scope of moral rights, and this scope was maintained under CL1952, so also according to CL1994, these works are the objects of moral rights, which includes the personal right of disclosure.¹²⁵

In conclusion, it may be stated that moral rights under the provisions of CL1994 pertain to indefinitely old works, which means that the legal premise for their dissemination in any manner, including making them publicly accessible by libraries, is that they must qualify as having been disseminated, i.e. as works in respect of which the author or persons entitled to exercise moral rights after the author's death have exercised the right of disclosure.

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- 125 The above view is present in jurisprudence. It is formulated explicitly by J. Barta and R. Markiewicz. See J. Barta, R. Markiewicz, *Prawo autorskie*, Warszawa 2016, p. 122. The same authors expressed the above view, albeit without further justification in a previous edition of their commentary publication, see J. Barta, R. Markiewicz in: M. Czajkowska-Dąbrowska, Z. Cwiąkalski, K. Felchner, E. Traple, J. Barta, R. Markiewicz, *Ustawa o prawie autorskim i prawach pokrewnych. Komentarz*, Warszawa 2011, Article 124, LEX, [Accessed: 21.07.2023]. The same position was taken by R. Markiewicz in monographic publication, see R. Markiewicz, *Ilustrowane prawo autorskie*, Warszawa 2018, Nb. 3.3., LEX, [Accessed 21.07.2023]. A similar view was expressed by S. Stanisławska-Kloc, also pointing to the correctness of interpreting the notion of unexpired copyright, on the grounds of Article 124(1)(2) of CL1994, as including moral rights. See S. Stanisławska-Kloc [in:] ed. D. Flisak, *Prawo autorskie i prawa pokrewne. Komentarz*, Warszawa 2015, Article 16, LEX, [accessed 21.07.2023]. A somewhat different view was expressed by T. Targosz, but it is difficult to find it convincing. The author, in principle supporting the correctness of the above interpretation of the normative content of the quoted provision, points out, however, that *since both this law and the law of 1926 provided in their transitional provisions that they apply to the rights existing on the date of their entry into force, it would be necessary (in the case of older works) to go back to the subsequent regulations in force in the past. It is almost certain that by this route it would be impossible to justify the existence of moral rights in most known works created in the 17th century or earlier (probably only in the case of 19th century works would there be some hope, but this would also depend on a number of additional circumstances)*. See T. Targosz in: ed. D. Flisak, *Prawo autorskie...*, Article 124, LEX [Accessed 21.07.2023]. This view is inaccurate, because it ignores the provisions of CL1926, discussed above, which introduced universal protection of the author's moral rights to arbitrarily old works, so there is no need to go back to older regulations and the transitional provisions of this act cannot be the basis for such a procedure.

There is one exception to this rule, however. It concerns photographic works created under both previous copyright acts in respect of which no copyright is expressly reserved (the so-called copyright note). Under the provisions of CL1952, a work made by a photographic method or by a method similar to photography was subject to copyright if a copyright reservation was clearly visible on the work.¹²⁶ An analogous provision was contained in CL1926, which stated that copyright existed in photographic works or works obtained in a manner similar to photography, provided that the reservation was clearly visible on the prints.¹²⁷ This requirement was abolished by the current CL1994, which recognizes photographs as works on a general basis, i.e. if they fulfil the prerequisite of creativity and individuality¹²⁸ without requiring any formal assertion to invoke their protection.¹²⁹ This means that under the formerly existing laws, photographs without a visible copyright note did not constitute works at all. Consequently, they do not fall within the scope of the transitional norms of the act in force, which means that none of its provisions, including those providing for moral rights, apply to such photographic works fixed before 24 May 1994. Thus, the formalities provided for in the cited provisions of the old acts were not adhered to. Consequently, these works are not subject to any moral rights, including the right of disclosure. Such works may, therefore, be disseminated if they have entered the public domain or if they adhere to the standards of fair use. In practice, however, the possibilities of their exploitation appear to be limited, as the mere fact that the photographic print whose dissemination is being considered does not contain a copyright note does not mean that no such reservation was made on other prints of the same photograph. In favour of this position, the Polish Supreme Court (*Sąd Najwyższy*) adopted the position that failure

126 See at. 2 § 1 of CL1952.

127 See Article 3 sentence 1 of CL1926.

128 See Article 1(1) of CL1926.

129 See Article 1(4) of CL1926.

to make a copyright note visible on later prints does not result in the termination of the copyright acquired by making such a note on earlier prints. Therefore, the possibility of making unpublished photographs available to the public without making a copyright note on prints created under old regulations could only concern those situations where the owner of the prints had grounds for believing that the note was not visible on any other prints.¹³⁰

6. POSSIBILITIES FOR LIBRARIES TO USE NON-DISSEMINATED WORKS UNDER CL1994

As already stated, any public communication of a work of which the entitled person has not exercised the author's right of disclosure constitutes, in a formal sense, an infringement of moral rights. Only the author enjoys such rights as long as he or she remains alive; and after the author's death, these rights are enjoyed by the author's statutorily-defined relatives, unless the author has expressed a different wish. Moral rights, including the right of disclosure, protect indefinitely old works. Any way in which libraries make their collections publicly available, i.e. public lending, whether in a reading room or with the possibility of taking the material outside, as well as making collections available in digital form, regardless of whether this is done via the Internet or in closed internal networks of libraries, constitutes a dissemination of the works embodied in the individual materials.

It is irrelevant whether the library only allows the content of the original or a copy, possibly a digital object, to be consulted, or whether it also allows copies, notes or photographs to be taken. Copyright infringement, in the aspect of moral as well as economic rights, is based on the construction of a tort.¹³¹ As a result, a library making a non-disseminated work available to the public in any manner exposes itself to the claim of infringement of moral rights, while the actions of the library user who uses such mate-

130 See the judgment of the Supreme Court of 6 June 2002, I CKN 654/00.

131 See Article 415 et seq. Civil Code.

rial are subject to separate assessment. It is difficult to see any grounds for declaring the actions of such a user as being unlawful, however, one should remember the three-step test, the content of which may be read as establishing a premise for the legality of any form of fair use, so long as it is exercised in accordance with the author's moral rights. Seen in this way, the legality of the actions of a library user themselves, undertaken within the framework of personal fair use serving not the institution, but the user, may be questioned based on the assumption that these actions had as their object a work disseminated in violation of the moral right of disclosure, which places such actions beyond the realm of legality. However, this view seems too far-fetched, since the infringement is connected with the mere dissemination of the work without the consent of the author or legitimate persons after the author's death and subsequent actions of the recipients of the work that do not infringe the above-mentioned personal right nor violate author's economic rights can hardly be deemed prohibited. The situation should be assessed differently, however, when it comes to actions taken by a library user that would consist of additional acts that make a non-disseminated work available to the public, e.g. if a reader photographs the original work and shares it online. Such actions would constitute an independent, subsequent infringement of moral rights and, in the case of a work protected by unexpired economic rights, of these rights as well.

The use of works by libraries to the extent that they do not involve making them available to the public, i.e. in particular digital reproduction (digitisation), is permissible also as regards those works which are not disseminated. Reproduction of works in the public domain is an act of exploitation that is not the same as dissemination; therefore, such acts are permissible owing to the absence of copyright protection. On the other hand, for protected works, an explicit basis for digitisation is contained in the provisions of fair use in libraries, allowing the digitisation of works in the libraries' own collections in order to supplement, preserve or protect these collections. It is only to this extent that the 2015

amendment to CA1994 brought non-disseminated works within the scope of the public fair use provided for by the cited provision, allowing libraries to digitise unpublished materials; but, as indicated above, this does not affect the possibility of making them available to the public in digital form.

Some doubt arises with regard to making works available, whether protected by unexpired economic rights or in the public domain, if such exploitation would be carried out by libraries whose collections are not available to the public, e.g. scientific, school, pedagogical, professional, company or private libraries. If the dissemination of a work, for which the consent of the author or persons exercising moral rights after the author's death is required, involves *ex definitione* the making available to the public of this intangible good, it may be argued that the activity of certain libraries which consists in lending or making library materials available in digital form in a manner that cannot be qualified as public nor as addressed to anyone interested, but rather to specified persons or groups of persons, falls outside the scope of this concept. However, it should be noted that the statutory right of fair use granted to GLAM institutions makes its beneficiary libraries in general, without excluding from its scope those whose collections are not publicly accessible.¹³² Thus, it can be argued that in relation to public lending of materials covered by unexpired economic rights, the legislator has additionally limited the possibility to make available works that have not been disseminated, because fair use by libraries includes only the copies of those works that have already been disseminated, i.e. previously made available to the public with the author's consent and copied, which is indicated by the use of the notion of a copy by the relevant statutory provision, despite the fact that, in relation to libraries whose collections are not available to the public, it is difficult to accept the occurrence of an intrusion into the author's moral right of disclosure. It should also be observed that it is difficult to see such a limitation with respect to

132 Article 28(1) *in princ.* CL1994.

works in the public domain, so their non-public communication by libraries can hardly be considered as interfering with this right.

The restrictive and indefinite protection of the author's moral rights, including the right of disclosure, radically curtails the making available to the public the unpublished materials from the collections of cultural institutions. However, the task of making them available to the public is not impossible. Indeed, it should be borne in mind that the above-mentioned right may be exercised only once, in the sense that it is consummated in a single act of consent to make the work available to the public for the first time. Without attempting to resolve the dispute concerning the nature of the declaration of such consent, i.e. whether it constitutes a declaration of will,¹³³ or merely a manifestation of will,¹³⁴ it should be noted that the will of the author, or the person entitled after the author's death, may be manifested in various ways. When adopting the position equating the creator's statement with a declaration of will, one should refer to the basic premise of the Polish civil law according to which, subject to the exceptions provided for by the law, the will of the person performing a legal act may be expressed by any behaviour of that person which reveals his or her will in a sufficient manner.¹³⁵ It is, therefore, also permissible to express said will *per facta concludentia*.

The above conclusion is all the more justified on the grounds of the view equating consent to the first public making available of a work with a manifestation of will, for which, after all, not all prerequisites conditioning a valid and effective declaration of will *sensu stricto* are required. Consequently, it is possible to argue that an author, or a person entitled to exercise the moral rights of a dead author, may also express consent to the first making of a work publicly available simply by transferring the ownership of its material medium to the organization statutorily entitled or even

133 See, for example, J. Mazurkiewicz, *Non omnis...*, op. cit. p. 157.

134 Eg. B. Gisen, E. Wojnicka, *Prawo autorskie ...*, op. cit. p. 366.

135 See Article 60 of the Civil Code.

obligated to publicly share its collections.¹³⁶ There is no doubt that, regardless of the existence or wording of the laws regulating their activities in detail, the primary task of libraries has been, from the very inception of these cultural heritage institutions, to make their collections available to users. With regard to public libraries *sensu largo*, such making available was and is public in its nature. Therefore, if a person entitled to exercise the right of disclosure willingly transfers the original or a copy of a work not yet disseminated to an organization entitled to make its collections available to the public, it is difficult to qualify such a fact otherwise than as – depending on the accepted view – a declaration of will or a manifestation of will aimed at exercising the above-mentioned right.

The adoption of the position outlined here, which does not seem particularly controversial, may allow libraries to make available to the public some non-disseminated materials from their collections. This would, of course, apply to those materials in respect to which there are grounds for assuming that it was the legitimate person who made the transfer to the library, or that this was done with his or her consent, or at least with their knowledge. In this respect, a separate determination would have to be made for each individual non-disseminated work, said determination based on the supporting paperwork attached to them, in particular donation or sales contracts, other acquisition documents, surviving correspondence with the persons donating the materials, or internal documentation relating to the acquisition of the materials (minutes, service notes, inventory books, etc.). It must be borne in mind that in a possible dispute over the legality of the library's making the material available to the public, the burden would be on the library to prove the circumstances confirming that the right of disclosure has been consummated in respect of the work fixed in the library material in question.¹³⁷ Since libraries and other enti-

136 This is also the case of B. Gisen and E. Wojnicka, who point out that the *manifestation of such a will is certainly the transfer of a copy of a work to an entity entitled to economic exploitation*. See B. Gisen, E. Wojnicka, *Prawo autorskie ...*, loc. cit.

137 See Article 6 of the Civil Code.

ties of the GLAM sector are considered generally risk-averse, they would prefer not to share collections when such proof is absent or insufficient rather than risk the consequences of an adverse outcome in litigation.

The approach described above – the assumption that the transfer of the medium of a non-disseminated work to a library by the person entitled to execute the right of disclosure constitutes an expression of such a decision – may make it possible to exploit some of the non-disseminated materials from library collections, but certainly not all of them. Particularly with regard to the oldest collections, there will, in practice, be a lack of any supporting documents that would provide a basis for reconstructing the circumstances surrounding the acquisition of these materials by libraries. In addition, due to historical circumstances, especially due to losses suffered by Polish GLAM institutions during the first half of the 20th century, many collections are held by libraries in the absence of formal acquisition documents, which would prove consent for disclosure by persons entitled to exercise moral rights to the works established in these materials. Therefore, the position presented here is by no means alleged to be a comprehensive solution to the problem of making available non-disseminated works by libraries. Such a solution would require a legislative intervention, as discussed below.

It is, however, worth indicating one more institution present in Polish copyright literature that offers a possible means of defence against an overreaching protection of the author's moral rights. This institution is the abuse of a subjective right, which assumes that one cannot exercise a right in a manner that would contradict its socioeconomic purpose or the principles of community life and that such an act or omission on the part of the person entitled shall not be considered an exercise of that right and shall not enjoy protection.¹³⁸ Despite the fact that copyright is an absolute subjective right, unlike the regulation of property, which is a model for this

138 See Article 5 of the Civil Code.

type of right, the provisions regulating an author's moral rights are limited to specifying their content without formulating any limits for exercising these rights.¹³⁹ Such limits should be found in general civil law norms, including the prohibition of abuse of subjective rights. This could, therefore, be applicable in a dispute over the protection of moral rights, in particular, if the legitimate entity were to claim infringement of the right of disclosure of an old work, in respect of which the bond with the author has been radically eroded by the passage of time, and its dissemination should be considered to be in the interest of the national cultural heritage. For the time being, there is no available case law to verify this type of defence, so the possibility of raising it must remain an undoubtedly interesting, but still only theoretical, proposition.

When considering the broader legal environment in which moral rights exist, it must finally be borne in mind that the protection of subjective rights of private law with regard to the claims arising therefrom is based on the principle of a complaint being brought before the court by an interested claimant, who by this act initiates civil proceedings. It is the subject of a specific subjective right that may demand its protection, and its enforcement is, as a rule, carried out in an adversarial process, in which the burden of proof with regard to the circumstances justifying the claim rests on the party filing the lawsuit. It is no different with the protection of the author's moral rights. Whoever demands their protection in relation to a specific work must prove these rights, i.e. prove that he/she is the author or one of the persons entitled to exercise moral rights after the author's death. Formally speaking, the possibility of a claim being brought before the court by a collective management organization¹⁴⁰ exists, yet there is no information available that CMOs engage in the protection of moral rights, including the right of disclosure. The same is true of the right of the public

139 See B. Gisen, E. Wojnicka, *Prawo autorskie...*, p. 333

140 See Article 78(4) of CL1994.

prosecutor to initiate such proceedings.¹⁴¹ Moreover, criminal-law protection of the right of disclosure may only be invoked on the initiative, or at least with the consent of the victim or the CMO, as the infringement of moral rights is not defined as a crime that is prosecuted *ex officio*. It should also be considered that such a crime may only be committed with direct intent for financial gain.¹⁴² This excludes criminal liability of persons responsible for making works available to the public by libraries. At the same time, as indicated in jurisprudence, the criminalization of the infringement of the author's moral rights is, in practice, non-existent.¹⁴³

7. CONCLUSIONS

The restrictions on the use of non-disseminated works by libraries and other participants of the GLAM sector are radical, given that making any work available to the public requires the consent of the author or persons entitled to exercise the author's moral rights, and that the subject of these rights are arbitrarily old works. The current legal situation in this respect seems difficult to accept, while its practical consequences are downright anachronistic. The proposals of pre-war legal jurisprudence and the creative milieu to protect Horace's moral rights appear today to be a legal oddity, completely unsuited to the realities of the modern information society. Such claims could possibly also be considered to have a strong axiological basis nowadays with regard to the right to authorship itself or the right to the integrity of a work, although, for example, the disclosure of Adam Mickiewicz's authorship in relation to a work that the poet wished to disseminate anonymously – or, conversely, the publication of such a work without recognition of authorship – seems to be an event more suited to the field of literary studies than legal relations. However, with regard to the moral right of disclosure, shaping it as absolute and unlimited, ap-

141 See Article 7 of the Code of civil procedure.

142 See Articles 115(3), 122 and 1221 of CL1994.

143 See J. Mazurkiewicz, *Non omnis...*, p. 160.

plying to all works regardless of the time at which they were established, appears unnecessary, not serving the purpose of moral rights and preventing the fulfilment of certain values related to the dissemination of cultural heritage.

Even within the formula of an inextinguishable legal bond between the author and the work, characteristic of the dualist model of copyright, this bond must erode over time, becoming a mere historical fact. Regardless of the dogmatic assumptions of the protection of moral rights after the death of the author, i.e. whether one accepts the concept of the indirect substitution effected by the entitled family members who are authorized by law to seek protection of these rights, or the equally exotic concept of “subjective rights without subject,”¹⁴⁴ which is adhered to by some copyright scholars, it must be stressed that these are the strictly personal rights of the author which must expire after his/her death and in connection to this occurrence, one can only speak of a particular kind of cult of memory of the deceased, which must itself gradually succumb to the passage of time.

Even under the French legal system, which is a model construction for the dualistic conceptualization of copyright, the indefinite protection of moral rights arising from this conception has been weakened by case law, a well-known example being the ruling on the claims of Victor Hugo’s successor for infringement of the right to the integrity of *Les Misérables*, which acknowledged these claims but compensated them in a symbolic amount.¹⁴⁵ The gradual degradation of this bond has also been recognized in the jurisprudence of the German courts, i.e. on the basis of the monist system, which provides for the timeliness of moral rights.¹⁴⁶

144 See J. Mazurkiewicz, *Non omnis...*, p. 146. On this subject on the grounds of CL1952, see also M. Szaciński, *Autorskie dobra osobiste po śmierci twórcy*, “Palestra” 1987, no. 2, pp. 31-37.

145 See decision of the Court of Cassation of 30 January 2007, Appeal No. 04-15.543, <https://www.legifrance.gouv.fr/juri/id/JURITEXT000017627153/> [Accessed 21.07.2023].

146 See J. Pierer, *Authors’ Moral Rights after Death*, University of Vienna Law Review 2019, no. 8, p. 15.

It must also be borne in mind that the progression of time always impacts the existence, content and exercise of subjective rights of private law. The regulation of this correlation is covered by several institutions of time limitation known to private law, inter alia the statute of limitations. Of course, absolute rights can theoretically reach into the past without any limitation in time, and their succession can be derived from legal events of a historical nature, as is the case, for example, with respect to ownership of real property. The problem, however, is that moral rights are not attached to any material object – a thing, for lack of a better term – that may remain in existence for centuries, nor even to an intangible asset such as a work, but rather to a specific person and, after said person's death, to his or her family members. This bond, as has been pointed out, is perforce weakened in successive generations. On the other hand, public considerations in favour of the dissemination of cultural works no longer protected by author's economic rights, particularly in the digital age when this dissemination is possible on an unprecedented scale, call for a limitation of the protection of moral rights, and, above all, the right of disclosure. This right is of key importance from the point of view of the legality of public access to previously unknown works, including those whose commercialization is no longer possible due to the expiry or non-existence of economic rights.

The indefinite moral right of disclosure makes the public domain in Poland a limited phenomenon, in contrast to countries that have adopted a monistic model of copyright, such as Germany, which results in the temporal nature of moral rights. In the current dualistic model, the termination of economic rights, which should theoretically “free” the work, thus enabling its free exploitation, has such an effect only with respect to works that have been disseminated and, in practice, published. Non-disseminated works are excluded from such use, even if non-commercial, by cultural heritage institutions. The problem is particularly significant with regard to libraries but should not be overlooked with regard to other entities constituting the GLAM sector, in particular archives

with their vast collections of private records, which in copyright terms are non-disseminated works and therefore fully affected by the limitations discussed here. Their existence as one of the fundamental obstacles to the full use of the digitisation potential of such institutions is also recognized in current statements by non-Polish copyright scholars.¹⁴⁷ The provisions implemented into the Polish legal order regulating the use of orphan works, as well as the rights of first editions, lose their practical significance due to the fact that only disseminated works can be the subject of use allowed by these provisions. Finally, the same applies to the statutory license itself, established for cultural heritage institutions. Rendering only disseminated works subject to being made publicly available, while at the same time protecting indefinitely old works, excludes a huge number of library collections from public access.

Therefore, a revision of the normative construction of the author's moral rights, as it is currently in force, should be considered – a departure from the historical dualistic model of copyright, which anchors moral rights in the domain of inalienable, inextinguishable and perpetual moral rights, in favour of the present day monistic model, which is more suited to the realities of modern life. This would have the effect of extending the temporal boundaries that now mark the limits of economic rights protection to personal rights as well, including, of course, the right of disclosure.

An alternative limited legislative intervention that would be sufficient here is the normative introduction of a time limit for the protection of the right of disclosure without extending such a limit to other moral rights. Such a solution is known to CL1994, as it is applied to the protection of the rights of the recipient of correspondence and the protection of the right to an image.¹⁴⁸ An

147 See e.g. Y. Benhamou, J. Ferland, *Digitisation of GLAM Collections and Copyright: Policy Paper*, 'GRUR international' 1 May 2022, vol. 71, no. 5, pp. 24-25.

148 See Article 82 of CL1994, which provides that unless the person to whom correspondence is addressed, has not declared his/her will otherwise, dissemination of the correspondence within twenty years after his/her death shall require the permission of the spouse, or in absence thereof the permission of descendants, parents or siblings, in that order. Article 83 of CL1994, on the other hand, states

analogous preclusion period could be introduced for claims for infringement of the author's personal right of disclosure. This would not lead to an internal contradiction within CL1994, in particular to a violation of the principle of perpetuity of the author's moral rights. This is because, firstly, the act allows for a narrowing of their content.¹⁴⁹ Additionally, there are already provisions in place that limit the exercise of these rights.¹⁵⁰ The legislative intervention described here could, therefore, be limited to the introduction of a provision stating that claims for the protection of moral rights, in the case of a threat or infringement of the right of disclosure, cannot be brought after a certain period of time after the death of the author. A time limit of seventy years, i.e. one correlated with the term of protection of the author's economic rights, seems to be the most reasonable. A shorter term would lead to the unacceptable result of a theoretical possibility of publishing the work, which would, however, infringe the unexpired economic rights, including the right to disseminate the work.

Another legislative approach could be to introduce a provision stating that the right to bring an action for the protection of moral rights, in the case of a threat or infringement of the right of disclosure, expires after a certain period of time after the death of the author. Also, in this legislative option, a term of seventy years seems to be the most appropriate. For such a change to have any real effect, the respective amendment to CL1994 would have to include an inter-temporal provision expressly stating that the amending act also applies to works established before its entry into force. This is because only then would the protection of the right not to

that the provisions of its Article 78(1) shall apply respectively to claims brought due to the dissemination of the image of the person presented in it and the dissemination of correspondence without the required permission of the person to whom it was addressed; such claims may not be brought after the lapse of twenty years from the death of those persons.

149 See Article 16 *in princ.* of CL1994, which regulates the content of moral rights unless otherwise provided by this law.

150 E.g. the right of the owner of a copy of an artistic work to display it publicly without the author's consent (Article 32 (1) of CL1994), or the right to make obviously necessary alterations to the work (Article 49 (2) of CL1994).

distribute arbitrarily old works cease and the term of protection of this right would be correlated with the current expiry dates of the author's economic rights. In practice, this would mean that, just as the economic rights to works of authors who died no later than 1953 expired with the current year, it would be possible to make public any non-disseminated works of their authorship. A slight disadvantage of the above-described legislative solution is the apparent lack of explicit coverage of non-disseminated works that are anonymous or pseudonymous. However, the very assertion of the protection of moral rights to these intangible works after the death of the author is invoked by the relatives, so the burden of proof as to the authorship of a given work would rest on them, a burden which in practice would often be difficult, if not impossible, to bear. Moreover, with regard to old works, even if anonymous or pseudonymous, the very period of origin of the material in question would allow, even with a wide margin of safety, to attribute it to an author for whom the preclusion of the right of disclosure has already occurred. It should be noted that such a legislative amendment would not only positively affect the scope of access to the collections of libraries and archives, but would also allow for a wider range of commercial exploitation of works in the public domain, which primarily concerns the right to previously unpublished works provided for as a non-obligatory exception in Directive 93/98/EEC and in accordance with its provisions introduced as a neighbouring right under art. 99¹-99⁶ of CL1994, which uses in this regard the notion of "right to first editions."

Yet another possible solution would be an alteration of the normative shape of the statutory license granted to cultural heritage institutions, particularly by expressly stating that the public lending rights can apply to originals or copies of works, including those that are non-disseminated, instead of just to copies of disseminated works for which the license currently provides. Similarly, it would be necessary to replace the word "collections" with the words "works, including those non-disseminated" within the provision establishing this license (art. 28 (1) (1) of CL1994), thus

also allowing non-disseminated works to be made available on the internal terminals of cultural institutions. This, by the way, would make the act more internally consistent, because even under the current wording, to the extent that the collections of authorized institutions do not include works, there are no grounds for making them subject to the statutory license at all. The option of a possible amendment described here is, on the one hand, narrower than the first one described earlier because it refers only to authorized institutions, including libraries, and, on the other hand, broader because it would make it possible to exploit non-disseminated works to which economic rights have not expired. However, due to the close relationship between the moral right of disclosure of a given work and the possibility of its economic exploitation, which is the subject of the author's economic rights, it does not seem feasible to bring about legislative changes in the scope described above as the second option, which would allow libraries to make available to the public works protected by unexpired economic rights.

A change in the normative shape of the right of disclosure is not hindered by restrictions arising from the provisions of EU law, nor binding international legal obligations.¹⁵¹ The need to amend

151 The harmonization of UE copyright law concerns only authors' economic rights. This is apparent, for example, from Recital 19 of the preamble to Directive 2001/29/EC, which provides that moral rights of rightholders should be exercised according to the legislation of the Member States and the provisions of the Berne Convention for the Protection of Literary and Artistic Works, of the WIPO Copyright Treaty and of the WIPO Performances and Phonograms Treaty. Such moral rights remain outside the scope of this Directive. Consequently, recital 23 of the preamble to Directive 2019/790 states that Member States should be free to require that the moral rights of authors and performers are respected when works or other protected subject matter are used. See T. Dreier in: T. Dreier, P. Hugenholtz, *Concise European Copyright Law*, Alphen aan den Rijn,, 2016, p. 35, where the author clearly indicates that moral rights are outside the scope of copyright harmonisation in the European Union. As already mentioned, the Berne Convention provides for the protection of the personal right to authorship and to the integrity of the work for a period after the death of the author at least equal to the period of protection of the economic rights, but it does not stipulate the protection of the moral right of disclosure which is, according to some authors, in the light of the convention an emanation of economic rights, which places this personal right outside the scope of copyright harmonisation under said convention. See T. Dreier, *ibid.* Moreover, the provisions of the WIPO Treaty do not prevent the Polish legislator from altering the normative

CL1994 in this respect will grow with the depleting stock of public domain materials that constitute disseminated works and are subject to the possibility of digitisation without legal pitfalls. It should be borne in mind that with the advent of each successive calendar year, the economic rights to works authored by successive creators who died seventy years earlier expire. However, the development of mass digitisation technology, with the acceleration of processes that this will entail, will result, as may be reasonably assumed, in the inexorable reduction of this category of material as a possible digitizable resource, especially since this type of material is mostly of a unique nature owing to prior dissemination, and it will be sufficient for a digital version of a given edition to be made publicly available by one digitising organization. This will present cultural heritage institutions with the problem of the large-scale digitisation of non-copyrighted yet also non-disseminated material from their own collections, which will require the normative environment to be reconsidered and consequently reshaped by establishing clear rules of digitisation and making publicly available non-disseminated materials which are not protected by the author's economic rights.

shape of the right of disclosure, so as to ensure a wider availability of library collections from the public domain. Article 1 (4) of the WIPO Copyright Treaty only confirms the applicability of the aforementioned provision of the Berne Convention, while according to Article 14 (2) of this treaty, its parties should ensure that enforcement procedures are available under their law so as to permit effective action against any act of infringement of rights covered by this treaty, which includes, inter alia, the enforcement of the rights conferred by the Berne Convention and thus, as far as moral rights are concerned, the protection afforded by its Article 6^{bis}. See M. Senftleben in: T. Dreier, P. Hugenholtz, *Concise European...*, p. 98.

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ACTIVITIES OF THE NATIONAL LIBRARY OF POLAND AND COMMUNITY RESILIENCE BUILDING FOLLOWING THE RUSSIAN INVASION OF UKRAINE IN 2022

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ABSTRACT

The authors of the article aimed at documenting the activities of the National Library of Poland connected with building social resilience of Ukrainians after the Russian invasion in 2022. Due to the dynamics of changes and the lack of written sources, the information on this subject was collected using the qualitative method, that is, interviewing the Director General of the National Library of Poland – Tomasz Makowski. The activities assessed were assigned to the following domains of community resilience: institutional, social, physical and economic, and discussed in detail. The findings presented in the article indicate that libraries can support communities by helping them build resilience also in war-related situations.

KEYWORDS: National Library of Poland, community resilience, Russian invasion of Ukraine

Every national library is the expression of the spiritual force of the country.
Alodia Kawecka¹

INTRODUCTION

The National Library of Poland in Warsaw, reactivated by the ordinance of February 24, 1928, today constitutes the central library of the Polish state. The founding of this new institution stemmed from the old 18th-century *bibliothecae patriae* idea that began with the opening of the Załuski Library in 1747,² during the Second Polish Republic. The Załuski Library's originators intended it to amass and preserve the whole of the 'intellectual output of the Polish nation expressed in writing, in print, or in any other mechanical or chemical means if applicable to printmaking; literature in foreign languages related to the Polish nation, and literature in foreign languages essential for the development of Polish mentality.'³ To fulfil these goals, the Library was granted the privilege of receiving a legal deposit, which it has retained to this day.⁴ Initially, its collection was placed at 12 locations in Warsaw. In the late 1930s, the policy of collection amassing was specified with more precision, and it was defined as the library of a multinational state.⁵

With the outbreak of World War II, the protection of the National Library's collections was put to the ultimate test. The building in which they were deposited was bombed at the beginning of the war, in September 1939. Several months later, on February 1, 1940, the Library was closed. Its employees, however, continued to take part in underground activity: they organised clandestine teaching, secured the collections threatened with destruction, and

1 A. Kawecka, *Biblioteka Narodowa*, Warszawa 1934, p. 28.

2 B.S. Kupść, 'Biblioteka Załuskich (1747-1794)', in: *50 lat Biblioteki Narodowej. Warszawa 1928-1978*, ed. Witold Stankiewicz, Warszawa 1984, p. 9

3 S. Demby, *Biblioteka Narodowa*, Warszawa 1928, p. 14.

4 A. Kawecka, *Biblioteka...*, p. 25.

5 A. Piber, 'Biblioteka Narodowa w pierwszym dziesięcioleciu działalności (1928-1939)', in: *50 lat Biblioteki Narodowej. Warszawa 1928-1978*, ed. W. Stankiewicz, Warszawa 1984, p. 80.

ran a register of collection losses. The biggest loss took place in October 1944, when the Nazis set fire to the Kasiński Library, where antique books, manuscripts, collections of prints, musical scores, and cartographic specimens from the National Library were kept. The details of that tragic period for Polish culture have been recorded by Library employees and others.⁶ The reopening of the Library after the ravages of the war took place in April 1946.

The National Library is the largest academic and public library in Poland. In harmony with the provisions of the *Act of 1997 on Libraries*, its tasks include conducting activities related to the library, bibliography, science, information, conservation, consultation, publishing, and display. It also provides services, particularly the amassing, studying, making available to the public, and perpetual archiving of library materials created in Poland and abroad; research related to library science, bibliology, and akin knowledge disciplines; elaborating and publishing the national bibliography; enhancing the factual operations of libraries in Poland and assistance provided to Polish libraries abroad; and running centres for standardised non-serial and serial publications.⁷

At the opening of the IFLA Congress in Wrocław in 2017, speaking to the largest-ever gathering of librarians, Director Makowski openly referred to the events of 1939–1945 and the slaughter of Polish libraries:

We mustn't forget the hecatomb of the Second World War, when Poland lost 70% of all its library collections through war damage, wilful destruction or theft. Including the most precious, also those stored at the National Library of Poland in Warsaw, where 50,000 manuscripts and 60,000 early printed books were burnt. This loss is unequalled in modern history.

And this is why during this Congress in Poland, we will discuss not only promoting reading and literacy, libraries as catalysts

6 J. Kordel, 'The Decimation of Polish Libraries in the Second World War', *Polish Libraries*, 2022 no. 10, pp. 6–25.

7 *Ustawa o bibliotekach*, <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19970850539/U/D19970539Lj.pdf> [accessed: 30 August 2023].

of innovation, but also work with cultural heritage partners to safeguard cultural heritage in its diverse forms, including traditional, historical, indigenous and contemporary expression. And to achieve coordination of our cultural heritage activities. Polish libraries can play a unique role in rescuing heritage in danger. We are willing and want to share our experience.⁸

After World War II, the National Library's experiences from that period served as guidance for consolidating community resilience: to work out the economic backing and logistical strategies to be able to react appropriately in a similar armed conflict or unpredictable disaster, so that the devised routines could help people, for example, to rescue and safeguard their national heritage.

Currently, the National Library of Poland is conducting its statutory activities by supervising and co-creating the National Library Network to introduce standardised library and information activity. The Network encompasses public libraries and other libraries incorporated into it by the decision of the minister responsible for culture and national heritage.⁹ The second entity that the National Library coordinates in compliance with Article 7 of the Act of June 27, 1997, is the National Library Council. Apart from formulating opinions on legal acts related to libraries in Poland, the Council's scope of responsibilities includes coordinating the National Library projects and stimulating the development of Polish librarianship. The Council's President is elected; the position is currently held by the Director of the National Library of Poland

Apart from tasks directly connected with books, librarianship, and readership, the National Library and the Network and Council also take actions aimed at improving the situation of libraries in Poland in relation to community expectations, which have been changing. This is best exemplified by the fact that the National Library was one of the first institutions to run a digital library:

8 IFLA 2017 – *Director of the National Library of Poland – Tomasz Makowski*, <https://www.youtube.com/watch?v=0P9lkfYYSds> [accessed: 30 August 2023].

9 *Ogólnokrajowa sieć biblioteczna*, <https://www.bn.org.pl/dla-bibliotekarzy/ogolnokrajowa-siec-biblioteczna> [accessed: 30 August 2023].

Polona.pl.¹⁰ A very special example of the commitment of the National Library can be found in its formulation of recommendations applicable to the operations of over 30,000 libraries across Poland during the COVID-19 pandemic.¹¹

Varied social expectations, changing working conditions, and unpredicted events requiring intervention all led Polish libraries, particularly during the pandemic, to reach a consensus on how they should operate so that they could serve their readers despite the restrictions. This issue forms part of the concept of ‘community resilience,’ known in foreign literature on libraries and librarian praxis at least since the 2000s, which constitutes one of the major tasks of libraries today.

This concept is most often used in the context of climate change and other disasters, both natural and man-made.¹² It involves adaptation and consolidation of communities in the face of many varied crises, and putting ‘adaptive capacity into urban systems, mitigating endogenous risk and strengthening capacity to respond to exogenous uncertainty associated with acute and chronic shocks and disturbances, reducing exposure within all communities to these disruptions.’¹³ During analysis of the subject, a broader concept was identified: ‘disaster resilience’¹⁴ or ‘community disaster resilience.’¹⁵ To sum up, community resilience should

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- 10 *Krajowa Rada Biblioteczna*, <https://www.bn.org.pl/dla-bibliotekarzy/krajowa-ra-da-biblioteczna> [accessed: 30 August 2023].
 - 11 T. Makowski, ‘The National Library of Poland during the Coronavirus Pandemic: A Brief History of the first nine months of the state of emergency’, *Przegląd Biblioteczny*, 2020, no. 2, pp. 38–56.
 - 12 I. Benekos et al., ‘A Proposed Methodological Approach for Considering Community Resilience in Technology Development and Disaster Management Pilot Testing’, *International Journal of Disaster Risk Science*, 2022 no. 13, pp. 1–16; G. Deng et al., ‘Evaluation of Community Disaster Resilience (CDR): Taking Luoyang Community as an Example’, *Mathematical Problems in Engineering*, 2022, pp. 1–21.
 - 13 J. Lindemann et al., ‘Building urban community resilience through university extension: community engagement and the politics of knowledge’, *Socio-Ecological Practice Research*, 2022 no. 4, p. 1.
 - 14 *Disaster Resilience: An Integrated Approach: Second Edition*, eds. D. Paton, D. M. Johnston, Charles C. Thomas, Springfield, 2017.
 - 15 A. Ostadtaghizadeh et al., ‘Community Disaster Resilience: A Systematic Review on Assessment Models and Tools’, *PLOS Currents*, 2015 no. 7, pp. 1–15.

be understood as community capacity to cope in crisis situations. Individual resilience is translated here into that of a whole community; the stress is put on preparing action strategies, as well as economic, human, and technological backing in the event of a disaster. According to Andreas Vårheim, 'community resilience' is an important element of the operations of libraries: 'local community presence gives them a prominent role in community development and in creating community resilience.'¹⁶ He adds that the literature on the subject is limited; the examples he gives refer mainly to 'the efforts of libraries during disasters.' Other authors who deal with this topic include Dan Grace and Barbara Sen, Shari R. Veil, and Bradley Wade Bishop.¹⁷

These researchers most frequently describe how libraries support local communities in the face of natural disasters: hurricanes or floods. The context of consolidating community resilience in the event of war, including the role of libraries in this respect, has not been tackled. The present paper intends to fill this gap. The authors aspire to describe the activities of Poland's National Library to help consolidate the community resilience of Ukrainians following the Russian invasion of Ukraine in 2022.

METHODOLOGY

When working on the methodology of this study, particular emphasis was put on its conceptualisation. It was quite a challenge to formulate the definitions of the applied concepts, to adapt the theory of community resilience or to use the domains proposed by other scholars, and to work out our own measurability indexes. Firstly, as can be seen from the critical analysis of literature, the

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- 16 A. Vårheim, 'A Note on Resilience Perspectives in Public Library Research: Paths Towards Research Agendas', *Proceedings from the Document Academy*, 2016 nos. 3(2), p. 3.
 - 17 D. Grace, B. Sen, 'Community Resilience and the Role of the Public Library', *Library Trends*, 2013 no. 3, pp. 513-541; S. R. Veil, B. W. Bishop, B. W., 'Opportunities and Challenges for Public Libraries to Enhance Community Resilience', *Risk Analysis: An Official Publication of the Society for Risk Analysis*, 2014 no. 4, pp. 721-734.

authors who deal with this topic disagree on many issues.¹⁸ Secondly, the presented study results came from qualitative research, making them difficult to measure. The effects of the conceptualisation and operationalisation are presented below.

RESEARCH CONCEPTUALISATION

In 2015, Abbas Ostadtaghizadeh and his team analysed the texts in which scholars dealt with community resilience. They conducted an overview of studies that used the resilience concept, looking for discrepancies in its understanding and in the tools and methods applied. They ascertained that scholars had actually distinguished several domains or areas within which community resilience could be analysed, including community capital, social, economic, natural, human, physical, infrastructural, and institutional.¹⁹ The domain concept has been adapted for the purpose of the present paper; the following domains, with their measure indexes, have been taken into consideration:

- **Institutional** domain - indexes: effectiveness of the framework of crisis management, institutional cooperation, effective management.
- **Social** domain - indexes: activities in healthcare, education, acclimatisation of the harmed, adaptation to everyday life and morale boosting, assistance in individual, group, and collective communication.
- **Physical** domain - indexes: material aid, for example providing space for temporary shelters for people; transportation services; sharing institutional equipment, which can serve for preserving collections; providing infrastructure for media communication.
- **Economic** domain - indexes: financial assistance.

18 See e.g., A. Ostadtaghizadeh et al., 'Community disaster resilience...'

19 Ibidem; see also J. S. Mayunga, *Measuring the measure: A Multi-Dimensional Scale Model to Measure Community Disaster Resilience in the U.S. Gulf Coast Region*, <https://core.ac.uk/download/pdf/147134896.pdf> [accessed: 30 August 2023].

The institutional domain was associated with intra-organizational actions taken by the National Library of Poland to serve Ukrainians and preserve their national heritage. The focus was on those projects of organisational character that resulted from crisis management. The activities undertaken by the Library to boost education, health, acclimatisation, everyday life, and morale were attributed to the social domain. Attention was also paid to assistance in communication on the individual, group, and collective levels (one-way or two-way). Material assistance was attributed to the physical domain, and financial aid was to the economic domain. The physical domain was defined as aid activities of material character related to the preservation of the cultural heritage of Ukrainians, and sharing with them the Library's space for accommodation or transportation services. It also included providing infrastructure for media communication.

The conceptualisation of research, and defining the domains connected with consolidating community resilience, allowed us to formulate the research question, which related to the **actions with respect to the following domains: institutional, social, physical, and economic, undertaken by the National Library of Poland for Ukrainians in relation to the invasion by Russian troops in February 2022.**

The choice of the appropriate research method was the essential condition for phrasing the correct conclusion. Since the activities of the National Library of Poland in this area have not so far been sufficiently documented, it was decided to collect information on the subject via an interview; that is, a bilateral talk initiated by the researcher. The person who knew most about the topic was Director Library, Dr Tomasz Makowski, who agreed to participate in the study. The interview was conducted at the National Library of Poland on January 16, 2023.

The standard option for conducting interviews was chosen, in which the conversation is based on questions prepared beforehand.²⁰ To obtain reliable and precise results, the interviewer

20 J. Sztumski, *Wstęp do metod i technik badań społecznych*, Katowice 2010, pp. 177-182.

should thoroughly prepare for the role of asking questions, and precisely work out the appropriate research tools (in this case, the interview questions). To undertake the research via this method it was essential to specify the goal and define the interview problem, elaborate the set of questions asked during the conversation, and create an appropriate atmosphere for the situation. Research methodology distinguishes between several types of interviews. The type selected was the oral and open one in which the interviewee is informed about the purpose of the conversation and aware that they are participating in a study. Only a single interview with one individual was planned. Semi-structured interviews allow the interviewer to make a list of issues to be tackled in the course of the interview, in the form and order they choose. This method was selected since only one interviewee was to take part in the research, therefore, there was no need to compare responses given to the same questions by other interviewees.²¹

RESEARCH OPERATIONALISATION

At the outset, the research goal was formulated: documenting the activities of the National Library of Poland with respect to Ukrainians following Russia's invasion in 2022, in the context of using this experience to consolidate the community resilience of the Ukrainian people. A request to participate in the research was addressed to Director Tomasz Makowski, PhD, in an email on November 29, 2022, justifying the intent of the research and

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- 21 See e.g., A. Gregulska-Oksińska, 'Użyteczność poznawcza wywiadu jako metody badawczej zagadnienia kontroli zarządczej w jednostkach samorządu terytorialnego', *Prace Naukowe Uniwersytetu Ekonomicznego we Wrocławiu Research Papers of Wrocław University of Economics and Business*, 2021 no. 3, pp. 26 – 36; *The SAGE Handbook of Qualitative Research*. Wyd. 5, eds. N. K. Denzin, Y. S. Lincoln, Sage, Thousand Oaks 2018; S. Kvale, *Prowadzenie wywiadów*, Warszawa 2010; S. Kvale, *InterViews. Wprowadzenie do jakościowego wywiadu badawczego*, Trans Humana, Białystok 2004; S. Kvale, *InterViews: An Introduction to Qualitative Research Interviewing*, Sage, Thousand Oaks 1996; R. S. Weiss, *Learning from Strangers: The Art and Method of Qualitative Interview Studies*, Free Press, New York 1994; I. E. Seidman, *Interviewing as Qualitative Research: A Guide for Researchers in Education and the Social Sciences*, New York 1991.

briefly discussing the planned effect. Additionally, a pre-prepared question scenario was sent to allow the interviewee to prepare for the interview.²² The interview was to be conducted in the form of a natural conversation, following the question list prepared beforehand. The interview was recorded on a Dictaphone and simultaneously on Microsoft Word using NLP (Natural Language Processing).

The material obtained from the interview was grouped into four sections, reflecting the community resilience domains. Below, the major facts described by the Director during the interview are laid out, accompanied by quotes.

PRESENTATION AND DISCUSSION OF THE RESEARCH RESULTS

The day of February 24 is associated by Poles with the reactivation of the National Library by President Ignacy Mościcki in 1928. Therefore, on that date in 2022, a grand celebration was planned: the reopening of the Library reading room after renovation. Having invested sizeable resources, and entirely modernised the Library's indoor space, the staff had anticipated crowds at the event. As it turned out, according to Director Makowski, at that moment everybody was at their TV sets. Russia's invasion of Ukraine took place that same day. The bookcases at the entrance to the reading room were immediately filled with books on Ukraine, and the celebration was postponed. In anticipation of Russia's attack, the National Library declared their support for Ukraine, and the Director contacted his Ukrainian counterpart on a mobile phone, since landline phones were inoperative for some time, as the server had been destroyed. 'That contact with me,' recalled Tomasz Makowski, 'truly was one of the unique contacts for her in the first days of the war; it was safe.'

22 See e.g., K. Konecki, *Studia z metodologii badań jakościowych. Teoria ugruntowana*, Wydawnictwo Naukowe PWN, Warszawa 2000; J. Sztumski, *Wstęp do metod...*; S. Kvale, *Prowadzenie wywiadów...*; S. Kvale, *InterViews. Wprowadzenie...*; S. Kvale, *InterViews: An introduction...*

Community resilience building is a lengthy and tedious process. For it to be effective, experience is needed. Experience helps a community prepare effectively for subsequent disasters – and wars. The National Library substantially contributes to building community resilience in Poland. It has the necessary experience, gathered and described in memoirs and diaries of its staff from World War II, to allow its future administration to prepare better for similar developments. Although, in this case, it was not Poland that was attacked, thanks to appropriate preparation, it could contribute to preventing negative results from the current events and assist the Ukrainian people:

I can claim with satisfaction that the reading of the war archive of the National Library and memoirs of librarians from World War II proved very useful under the circumstances. We didn't feel helpless. Fortunately, we didn't need to apply the guidance written down there, and hopefully, we won't have to, yet we are prepared for such developments. Also, with respect to the National Library.

Libraries didn't wait idle. Following the example of the United States or other Western countries, libraries have to react to the current needs of citizens, and no longer only implement work plans known from the 1980s. The library is a service. We aren't a part of a noble past. If libraries are to survive, they will only if people know that libraries benefit them.

The Library also undertook activities related to the protection of Polish cultural heritage. For example, following the invasion, each Polish library forming part of the National Library Resource updated its Collection Security Plan, defining activities in reaction to different threats. The Director of the National Library requested this update so as to provide for the current developments. Also, evacuation procedures in the event of a terrorist attack were analysed. It was borne in mind that certain libraries, being symbols of Poland's independence, could be targeted in such attacks. These results of the current experiences are the basis for building solutions and strategies that will help citizens at present and in the future.

THE INSTITUTIONAL DOMAIN

It has turned out that the librarians' community operates really effectively. I'm aware of the fact that many consider the situation to be bad, yet if looking from the government's perspective, in the course of the SARS-COVID-19 pandemic, we were one of the groups of professionals who organised themselves. Others waited for guidelines. But we were prepared.

Tomasz Makowski

The coordination performed by the National Library concerned the libraries which form the National Library Network; that is, mainly those run by local governments - communities, counties, and voivodeships - as well as those that cooperate with them. The second coordinated area was the National Library Resource. Next to the concerns about Ukraine, particularly in the first phase of the war, people were also apprehensive that the aggressor would not stop at violating the Ukrainian border; that Russia would also try to attack Poland. 'Happily, today we are stronger, we are no longer worried about it, but then it was a real concern,' said Tomasz Makowski.

Thus, communication was maintained with large libraries, firstly those composing the National Library Resource; some of them, such as the Elbląg Library, are on the border with the Russian Federation. However, the procedure also applied to other libraries. As Makowski put it, 'Evacuation scenarios to western Poland are in place. As librarians, we clearly recall 1939 and today we have repositories for evacuated collections prepared.'

The assistance provided to the Ukrainian community would not have been possible without cooperation with charities, associations, publishers, and government circles. The activities included libraries making Ukrainian books available, book crossing, and actions promoting readership:

We quickly established cooperation with different charities, such as the Universal Reading Foundation, which raised resources from private sponsors to purchase Ukrainian books. Poland's First Lady, in communication with Ukraine's First Lady, ran the action to distribute books in Ukrainian to children ... we also started digitising available publications, not waiting for their print. This gave a stimulus to many libraries; also, the Polish Librarians Association

contributed, and so did many publishing houses, which ‘freed’ various texts. This helped us to be much more flexible. Children at the border or on trains could be read to.

The support actions were also a test for Polish librarianship, since they required work coordination:

My role consisted of explaining to directors that certain overzealousness is sometimes worse than self-restraint. Uncoordinated actions resulted in situations when suddenly hundreds of pushchairs appeared at one place where actually, for example, nappies were needed. We had to teach libraries to cooperate with Voivodeship Teams for Ukraine to learn from them what the Ukrainians’ current needs were, and not to rely on those from a week before. And we were successful.

The National Library of Poland closely cooperated with other institutions in the assistance provided to Ukrainians. Makowski participated in the Crisis Staff for Ukraine at the Ministry of Culture and National Heritage, which coordinated the actions of cultural institutions.²³ One of the Library’s Ukrainian employees was sent to work as a coordinator at the Ukrainian House in Warsaw, the main Ukrainian NGO in Poland, which coordinated volunteers, accommodation, meals, and so on. The same employee was Makowski’s interpreter in his Polish-Ukrainian contacts: ‘As of 24February, we didn’t speak Russian with my counterpart in Kyiv, only Ukrainian.’

The assistance to save Ukraine’s national heritage was also planned:

If the Russians had entered Kyiv as they had planned, then obviously, similarly as with Georgia, we would be ready to receive treasures of Ukrainian libraries, organising transportation, and having already prepared space in the National Library building. It was obvious that we had to provide rescue to those treasures, just as in 1939 we transported the treasures of the National Library to Canada: thanks to this, Chopin’s manuscripts and the *Old Annals of the Holy Cross*

23 *Dla Ukrainy*, <https://www.gov.pl/web/kultura/pomoc-dla-ukrainy> [accessed: 30 August 2023].

survived, or the Germans would have burnt that collection. Similar aid was offered to Ukrainian libraries.

The Library proved to be a good organiser of assistance to Ukrainians in the care of their national heritage preserved in libraries. A week before the invasion, Makowski had contacted Dr Adolf Juzwenko, Director of Ossolineum National Institute, asking him to take care of libraries in Lviv. At that point, it was not certain where Russia would attack. It was assumed that both Kyiv and Lviv would be targeted. The responsibility was split in such a way that the National Library would assist eastern Ukraine, while Ossolineum would focus on Lviv. The first talks with Ukrainian colleagues had been conducted after 2014: 'It was expected that the seizure of Crimea would just whet the invaders' appetite, and sooner or later a similar situation would happen again.'

Ukrainian libraries have suffered during the war. The collection of the Kharkiv Korolenko State Scientific Library has suffered substantial damage, also having been flooded with water. Part of this collection cannot be saved. This implies another job that the National Library assumed: registering losses and effects of barbarity. The concern was that Ukraine, being involved in fighting, would not have the time, forces, and means to do so. Translators were engaged; their task was to register destruction and personal losses in Ukrainian librarianship. However, with time, it turned out that Polish assistance was not needed: Ukraine did the necessary work with its own resources. The first reports, for example, by Prof. Iryna Zhuravlova of Kharkiv, have been included in the most recent issue of *Polish Libraries*.²⁴

All the above activities were meant to achieve what was not fully achieved with Polish collections during World War II. Additionally, Polish libraries amassed material aid for Ukraine: clothes, blankets, quilts, food, hygiene products, and so on. The National Library asked Polish libraries to carry out such actions; many were

24 I. Zhuravliova, 'The Central Scientific Library of the Karazin Kharkiv National University under Russian Attack', *Polish Libraries*, 2022 no. 10, pp. 272-285.

extremely effective. When a group of refugees crossing the border needed pushchairs, cosmetics, nappies, or hygiene products (Ukrainians often arrived empty handed), many libraries organised collections, which they subsequently transported to the border. Special mention in this respect should be given to the libraries from the Subcarpathian, Lesser Poland, Lublin, and Mazovian Voivodeships.

The dispatched aid included other equipment necessary during a war: first-aid kits, fire extinguishers, and fire blankets. The places where, regrettably, damage had already occurred, particularly due to pumps bursting after windows had been broken in freezing temperatures and books were flooded, were supplied with various conservation means. The Director of the National Library stayed in close touch with his Ukrainian counterpart in Kyiv.

THE SOCIAL DOMAIN

*If the state or the local governments had been unable to host all the refugees,
we would have opened our reading rooms.*

Tomasz Makowski

Among the most important activities undertaken by the Polish librarian community to assist Ukrainians who arrived in Poland after 24February 2022, was the organisation of classes in Polish and workshops designed to make participants familiar with Polish history and customs. A good example was the workshops dealing with Easter customs in Ukraine and Poland. Such activities, conducted by many libraries in Poland, targeted one goal: to get to know the people who had arrived from Ukraine, and reduce their stress after a sudden arrival at a new domicile:

Libraries really quickly reacted to my request to organise classes in Polish. Not everybody in eastern Ukraine could speak it; they had to be quickly taught it. Many libraries were involved in these welcomed activities. Some of them organised workshops straight away before Easter, as well as classes for women with children. What worked perfectly fine was showing how Easter was celebrated in Ukraine and in Poland. Thanks to that, we managed to culturally integrate other

groups. It turned out that we have a lot in common. The level of fear on both sides lowered. I'm certain that the libraries which conducted such workshops won a very good opinion, but they also found new readers among the Ukrainians.

These activities also consolidated the social perception of Polish libraries:

They showed the residents of little and middle-sized towns that they are needed, that libraries are places which prove greatly useful in a crisis. Since we must realise that besides the postal network, the police, the parish network, and school, there are actually no other networks than that of libraries.

Alongside many other public libraries, the National Library of Poland was involved in teaching Polish. A total of 1,700 course candidates studied there, mainly selected by the Ukrainian House in Warsaw. Currently (2023), there is less demand for classes in Polish. Our interviewee is of the opinion that, at present, libraries should support the Ukrainian community, particularly children, in maintaining contact with Ukrainian culture: 'This is our task if the war continues.'

The linguistic support also included English classes. This applied mainly to those librarians from Ukraine who wanted to represent their country and share their war experiences in international arenas. As there were among them individuals not sufficiently advanced in their English skills, they were offered linguistic guidance, and their texts were revised by an English native speaker.

The support provided to the whole creative sector in Ukraine was of major importance for the National Library, and for the Ministry of Culture and National Heritage. The intention was to secure conditions in which writers and book dealers could continue their creative work. As is generally known, men could not cross the Ukrainian border, but this did not apply to women, who were given employment in Poland in various positions. It was much harder for writers and publishers who stayed behind in Ukraine to earn money, but it was of crucial importance for them to be able to make a living from their work, for them not to give up culture and

to continue using their talents in harmony with what they used to do before the war.

Russia's invasion caused many librarians, or strictly speaking female librarians who crossed the Polish-Ukrainian border, to lose their jobs. The task was to identify all those who were in need; as it turned out, there were not many of them. Tomasz Makowski contacted the group of directors composing the National Library Network; meetings were also held with the group of libraries forming the National Library Resource. The National Library Network promised to look for all the librarians who needed assistance. The task was to find for them accommodation and a job, even if only volunteering, to 'occupy their mind with something,' so that they could start making money and deal with the trauma. Obviously, those who arrived from Bucha or Irpin had suffered a totally different experience to those who came from Lviv or Odesa. The professional group of librarians was not numerous, so whenever one was identified, Makowski or his representative phoned the director of the local library, asking for assistance to be provided to that individual. It is important to note that the majority of incoming Ukrainians had a place they could go to; that is, some relatives already working and living in Poland.

An important part of the activities within the social domain were those in the international arena aiming at excluding Russian representatives from international organisations. As Makowski stated:

In the 21st century, we can't have it that one country invades another, slaughters people, destroys culture, different facilities. We can't agree to that! The experience of World War II, and not only, teaches us that in civilised countries there must be no tolerance for this kind of aggression. And just as I imagine that between 1939 and 1945, as a representative of librarians, I would not have sat at the same table with Nazi German librarians, I can't imagine now sitting at the same table with the aggressor, although we used to be on very good terms with Russian libraries, and it was a very difficult decision for us.

The Russian librarian community must get the signal that their country's aggression on another free state, and the atrocities

their soldiers commit there, cause them to be excluded from the community of free countries. And that this also applies to the librarians as long as the war continues.

Makowski claimed that contacts with Russian partners have not been maintained since 24 February, and the partners have not tried to resume them, perhaps because they are aware of the war's consequences for them.

In the joint activities of librarian communities, Russians have been excluded from the Bibliotheca Baltica, then subsequently from the Consortium of European Research Libraries and the Conference of European National Librarians. The situation was different in the case of the International Federation of Library Associations and Institutions (IFLA), which for quite some time did not release any relevant statement, trying to stay out of the dispute. After numerous pressures and meetings, for example from Poland's National Library, it finally made its position clear; no representative of Russia attended the IFLA Congress in Dublin in 2022.

THE PHYSICAL DOMAIN

We were scared that the war started on 24 February would be dehumanised, that the falling bombs, dying people would be treated just as mere numbers. This is what the Russians wanted to achieve by calling the war a special operation and speaking of the fallen people as its costs. We took the responsibility to publish illustrations from the places where bombs fell, so that people would associate the front with a place which was once peaceful.

Tomasz Makowski

We were ready to transport the most precious objects.

Tomasz Makowski

The physical domain involves assistance of material character. The Library arranged actions aimed at organising accommodation in preparation for the inflow of an estimated 4 to 10 million individuals. The National Library of Poland was ready to open its reading room to people seeking shelter. The advantage of the Library was its large number of toilets and bathrooms, and the availability of the kitchen. Plans were made to put up tents with showers. In the event, such far-reaching plans were not necessary, since, as observed by Dr Makowski, 'Fortunately for us, both the local government and the gov-

ernment, yet mainly Poles, welcomed the refugees to their homes. There was no need to implement the actions planned in this respect.'

Another way to deal with the effects of the war was to open public libraries to meet refugees' needs; they were made available mainly to women with children. Some, including the National Library, opened up their spaces; fortunately, it proved unnecessary to use most of them. An agricultural commune near Łomża, which had an auditorium, prepared it for refugees' use. They built bathrooms so that refugees could be put up in a temporary shelter. Many Ukrainians flocked to that region, yet all of them found homes with relatives who worked there, or with Poles. In the end, nobody had to use the specially prepared library space.

Media communication is a very important aspect of building societal morale. From the point of view of community resilience, such communication could be enabled by offering an appropriate backup in the form of online spaces on websites and social media (physical domain). This can also be placed in the social domain; with respect to the latter, we would talk of activities such as elaborating special materials. At the National Library, care was taken to provide the infrastructure for the functioning of Ukrainians in the media space. Daily, or almost daily, contents related to Ukraine were posted on the Polona.pl fan page and the fan page of the National Library of Poland. This was not easy, owing to the challenging Polish-Ukrainian history; sometimes, it was difficult to show facilities from a non-Polish perspective. Photographs, postcards, and books were published whose authors described old Ukraine. It was shown that little Ukrainian towns continued to 'live,' that children were stillborn there, people fell in love, went for walks; that they were definite places, not merely war statistics.

From the very beginning, the Ossolineum National Institute greatly contributed to assisting librarians in Lviv. For example, it purchased chests to transport collections, armoured cabinets, and so on. The action to buy the books of certain Ukrainian publishers was an organizationally and logistically advanced undertaking. The Head of the Ukrainian Book Institute came to Poland together with

her family, and served as the intermediary in contacts with the Ukrainian party. On the Polish side, the Polish Book Institute participated. In June and the autumn of 2022, large volumes of books were either bought or printed, and reached the Polish libraries that were taking care of Ukrainian refugees. First, a close collaboration was established with various organisations, such as the Universal Reading Foundation and All of Poland Reads to Kids. Books were transported to Warsaw via Lublin. Occasionally, Director Makowski would ask a library to temporarily store some resources. Voivodeship libraries would effectively distribute those books among libraries.

The National Library also asked the Ukrainian party about medicines that ought to be sent over. It was expected that Ukraine would suffer supply difficulties; fortunately, everything was operating faultlessly, and there was no need to dispatch medicines, but the proposal was welcomed.

THE ECONOMIC DOMAIN

We wanted to provide real assistance.
Tomasz Makowski

‘Ukrainians are very brave indeed,’ emphasised Tomasz Makowski. ‘They want to cope by themselves in Ukraine. Money could not be sent, yet the Library asked to identify some individuals who were in a difficult financial situation to maybe offer them some help. There were few such individuals. The Ukrainians replied to the financial help offer by saying: ‘let’s wait for a tougher moment, maybe then we will use your help.’

The economic domain – that is, financial assistance – could not be the main form of assistance by the Library: it was impossible to transfer definite sums of money to other entities. However, one of the Library’s most spectacular actions was the shipment of fire extinguishers to libraries in Kyiv and Kharkiv. To have legal grounds to assign money to assistance, actions were concentrated on those libraries where Polish collections were amassed, for example, in Kyiv and Kharkiv. When 300 fire extinguishers arrived at the National Library in Kyiv, it was really an impressive event, recalled Makowski.

This boosted the morale of the community, who felt that Poles not only made promises, but fulfilled them without delay.

CONCLUSIONS

We made a major mistake in the 1990s, claiming that libraries were only places where you borrowed books. Today, we're paying for that mistake. The example of the US or other countries makes it evident that a library deals with anything a man needs.

Tomasz Makowski

The war is still raging; therefore the process of counteracting its results, started immediately after its outbreak, will last for years to come. However, Makowski has already declared:

We're also preparing to help Ukraine in its reconstruction. The application of Poland's experience from 1945 is very important for Ukrainians. We have prepared a library package for implementation: the mass digitising in Ukraine on the example of Polona.pl or the digital library like Academica after the destruction of small school libraries, or university ones. It is very important, because, in this way, Ukrainians would not have any interruption in their access to library resources. We will assist them in this as much as we can.

The activities of the National Library of Poland, as well as librarians, to help Ukrainians covered a number of initiatives, which can be placed in four categories: 1) institutional; 2) social; 3) physical, and 4) economic. At the stage of conceptualisation, the following indexes were identified:

- 1) Efficiency of the framework of crisis management; institutional cooperation, effective management.
- 2) Actions to assist refugees in the areas of healthcare, education, acclimatisation of the harms, adaptation to everyday life and building morale, and facilitating or enabling communication.
- 3) Providing library spaces for temporary shelters; securing the possibility to preserve and protect cultural heritage, including its transportation; material assistance; providing infrastructure for communication.
- 4) Financial aid.

To sum up, in the institutional domain, the National Library supported Ukrainians' community resilience National Library of Poland through coordination of the activities of the National Li-

brary Network and the National Library Resource; cooperation with charities, associations, publishers, and governmental circles; and the central cataloguing of Ukrainian books. Its activities also contributed to consolidating Polish community resilience; for example, the continuous communication with large libraries such as the Elbląg Library on the border with Ukraine, whose evacuation was at one point considered necessary.

The National Library also played an important logistical role. It provided space and assigned its staff to supervise the collection of the most useful things: clothes, hygiene products, blankets, first-aid kits, fire extinguishers, helmets, power banks, and chests to transport collections. It also fulfilled tasks such as the purchase of books from Ukrainian publishers for Polish libraries.

Activities consolidating Ukrainians' social resilience also included Polish classes organised by libraries for Ukrainians, English courses for those who wished to speak in the international arena, job offers for Ukrainian librarians, support for book dealers and publishers in Ukraine, and efforts to exclude Russian librarians from international bodies.

The physical domain of activities undertaken or planned by the National Library of Poland concerned providing conditions for protecting Ukrainian collections, and Polish collections in Ukraine, including their potential transportation. Plans were also made to register losses and Russian atrocities within Ukraine; however, the Ukrainians coped with this themselves. Additionally, accommodation in libraries was provided to refugees. Refugees were also given a share in the infrastructure that would enable them to publish daily Ukraine-related content on the Polona.pl fan page and that of the National Library.

Owing to law, the National Library faced its greatest restrictions in implementing the economic domain. It could not transfer money to other entities, and was therefore definitely more effective in the institutional, social, and physical domains. Despite this, it tried to carry out certain actions of economic support to the Ukrainian community, while remaining within the legislation.

The unpredictability of war effects and the necessity to react promptly and organise immediate assistance made it impossible to record all the Library's activities; many were not even easy to register, such as assistance in relocating refugees. In Director Makowski's view, it would be difficult to 'translate such initiatives into figures, owing to the massive scale' of millions of people crossing the Polish border.

The range of the implemented activities, and the peculiarity of the situation in which Polish and Ukrainian libraries and Ukrainians found themselves, raise questions about the new tasks that libraries face. Our interlocutor is convinced that 'it is best to answer that libraries shall perform all the social functions which might be necessary ... Libraries are simply places of social trust and should stay as such.'

The activities of the National Library of Poland, and of the whole Polish librarian community, can undoubtedly serve in the future to build the community resilience of the Ukrainian people. Preparing the appropriate material and technological backup, setting up a contact network, and working out modes of action in the event of a disaster, such as a war, have proven to be essential elements of an independent state. The findings presented in the article demonstrate that libraries can support communities in building their resilience, including in war-related situations. This proves that libraries are now more needed than ever before. In this respect, the worked-out modes of reaction to the ensuing war situation may inspire systemic solutions.

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AN ETHOS OF A GERMAN LIBRARIAN? GERMAN LIBRARIANS IN THE GENERAL GOVERNMENT IN THE LIGHT OF CONTEMPORARY MEMORIES

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ABSTRACT

In the their memoirs written after World War II, German librarians delegated to work in occupied Poland put forward a thesis about the decisive influence of the ‘ethos of a German librarian’ on the library policy in the General Government. They believed that the main goal of German library employees was to protect the Polish and European cultural heritage collected in libraries (Ulrich Johanssen, Wilhelm Witte). These opinions have not been verified and were accepted by the historical community at face value (Andrzej Mężyński). The following text is an attempt to compare the perspectives of German librarians with the evaluation of their activities made by their Polish colleagues who during the occupation were subordinate to their German supervisors.

KEYWORDS: cultural policy of the Third Reich, libraries during World War II, Gustav Abb, Wilhelm Witte

In the account written in January 1959, Ulrich Johanssen presented the thesis ‘Ethos of a German librarian’ on the state of library policy in the General Government’.¹ which had a decisive impact. ‘Johanssen was active in the Kraków and Lviv *Staatsbibliothek* and later, on his own request, enrolled in the Wehrmacht. In his thesis, he declared that the ‘goal of the German librarians was to secure libraries of academies, universities, technical universities, academic and scientific societies, private foundations and their collections, libraries at churches, monasteries, and schools, as well as large family book collections’.² These goals, he claimed, ‘perfectly harmonised with the professional ethos of a German librarian’.³ He added that, from the point of view of librarians, the ‘question about the future of those libraries was but of secondary importance’, since the principal goal was to prevent the collections from destruction.⁴ This sounded very much in line with what Wilhelm Witte, Head of the Warsaw *Staatsbibliothek*, said about the goals of the German library authorities in the late 1950s.⁵ My intention in the present paper is to challenge these views of the German librarians by evaluating their work as reported by their Polish fellow librarians under the realities of the occupation that subjected them to their German supervisors.

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- 1 See A. Mężyński, ‘Ulrich Johanssen’, in: *Biblioteki naukowe w Generalnym Gubernatorstwie w latach 1939-1945*, comp. A. Mężyński, coop. H. Łaskarzewska, Warszawa 2003, p. 471.
 - 2 ‘Diese Aufgabe bestand in erster Linie in der Sicherung der erfassten Bibliotheken. Dazu gehörten im Einzelnen: Die Bibliotheken von Akademien, Universitäten und Technischen Hochschulen, von wissenschaftlichen Gesellschaften, Stiftungen und ihren Institutionen, die Bibliotheken der Kirchen, Klöster und Schulen sowie die großen Adelsbibliotheken,’ U. Johanssen, *Hauptverwaltung der Bibliotheken des Generalgouvernements Polen*, ibidem, p. 358
 - 3 ‘Diese Ziele entsprachen voll dem Berufsethos des deutschen Bibliothekars’, ibidem, p. 360.
 - 4 ‘Die Frage der Zukunft dieser Bibliotheken [war], rein bibliothekarisch gesehen, von untergeordneter Bedeutung’, ibidem, p. 360.
 - 5 ‘Herr Direktor Abb [...] ließ keinen Zweifel darüber, was für Absichten er habe, und zwar selbstverständlich als Bibliothekar die polnischen wissenschaftlichen Bibliotheken Warschau so zu organisieren, dass sie, soweit es unter den Kriegs- und Besatzungsverhältnissen möglich sei, funktionierten und dass ihre Bediensteten ihre Arbeit verrichten könnten’, *Tonbandgespräch mit Wilhelm Witte*, ibidem, p. 335.

In the accounts written after WWII by the Polish librarians who were first employed in the Warsaw libraries, three German librarians are principally mentioned. The most attention is paid to Gustav Abb, Head of the Office for Libraries under the authority of the General Government, Chief of the Main Library Directorate, and Director of the State Library in Krakow, created from the Jagiellonian Library. Abb enjoyed high esteem among German librarians as from 1935, he served as Director of the Berlin University Library, and from 1937 to 1942, he chaired the Association of German Librarians. He remained in occupied Poland until the end of July 1944, and from November 1944, he resumed the management of the Polish libraries. He perished in Berlin in late April 1945.⁶ In the reports of the Polish librarians, much attention is also paid to the activity of Wilhelm Witte, who, from July 1940, was Director of the Warsaw State Library, comprised of the combined National Library, the Library of the University of Warsaw, and the Krasiński Library. Having graduated in Slavic studies from the Frederick Wilhelm University in Breslau (Wrocław) in 1931, he started working at the university library there. He left Warsaw during the last days of July 1944 to return for a brief period in late October of the same year.⁷ Another individual spoken of by the Polish librarians was Alexander Himpel, born in St Petersburg, and affiliated to the Prussian State Library in Berlin. In 1942-43, working at the Einsatzstab Reichsleiter Rosenberg, he lived in the General Government as of March 1943. Beginning in October 1943, he was working at the Lviv State Library, and in January 1944, became its head. In the autumn of 1944, he participated in the Pruszków Action for saving the resources of the Warsaw libraries.⁸

Having introduced these important librarians, we can now move to discuss the essential points of our reflection, namely, the attitude of the German supervisors toward the Polish cultural heritage

6 A. Mężyński, *Gustav Abb*, ibidem, pp. 468-470.

7 Idem, *Wilhelm Witte*, ibidem, pp. 479-480.

8 Idem, *Alexander Himpel*, ibidem, p. 471.

found in the recollections of Polish librarians, which, in this case, the judgment of the Polish librarians was considered as severe, and the opinions formulated were almost unanimously negative.

THE MAIN LIBRARY DIRECTORATE AND ITS TASKS

The first months of the occupation were underpinned by fears that the Polish library resources would be destroyed and dispersed. As recorded in the memoirs of the illustrious expert in incunabula and early printed books, Alodia Kawecka-Gryczowa, 'It was known that our enemies ... would begin looting our cultural heritage ... so one didn't need a gift of clairvoyance to ... expect plundering'. Therefore, attempts were made to adjust to the new realities 'by thinking out ways of evading the orders harmful to our culture'.⁹ The foundation of the Main Library Directorate in July 1940 allowed the Polish librarians to anticipate more promising future developments. It seemed at that point, as Kawecka-Gryczowa wrote, that 'libraries would regain the possibility of properly protecting and sharing their collections.... New regulations with respect to our institutions caused a little more optimistic attitude and hope for a sad, albeit, slightly better future'.¹⁰ Optimism in relation to the establishment of the Main Library Directorate was also expressed by Wanda Sokołowska, who was working at the university library. She said, 'In the opinion at the time, the fact seemed to secure the libraries their Polish character and herald their safe survival until the return of the Polish authorities'.¹¹ These hopes were based on the assumption that 'the establishment of the Main Library Directorate was meant to provide Polish libraries with legal grounds for their existence within the invaders' administration, thus allowing to secure and order the collections, making them available to Polish academic circles'. As explained by Sokołowska, 'This view was based to a certain extent on the belief that international regula-

9 A. Kawecka-Gryczowa, 'Ochrona zbiorów Biblioteki Narodowej', in: *Walka o dobra kultury. Warszawa 1939- 1945*, vol. 1, ed. S. Lorentz, Warszawa pp. 192-193, 197.

10 Ibidem, p. 200

11 W. Sokołowska, 'W Bibliotece Uniwersyteckiej', in: *Walka*, vol. 1, p. 285.

tions in this matter would be respected and, on the authority of German librarianship, generally appreciated in Poland, strongly represented by both Germans at the head of the institution, particularly Dr Abb, a leader among German librarians'.¹²

Soon, however, the Polish librarians found out that these calculations were unsubstantiated. Although in his post-war memoirs, Johannsen emphasised that the Directorate and the network of State Libraries were established to protect libraries, in reality, the German plans were entirely different.¹³ The libraries were meant, first of all, to ensure the meeting of the Eastern research needs of the German academics. When delivering his address at the opening of the State Library in Krakow on 4 April 1941, Hans Frank emphasised that: 'I hope that the State Library which will continue developing affiliated to the extremely important Institute of German Works in the East will guarantee that one day the Führer will grant us a German university here. And let us be clear on this straight away, too, that it is also our goal. In this respect, there is a need to create a grand German research and teaching institution.'¹⁴ In the General Governor's speech one can also identify various elements of key importance for German cultural policy and the role libraries play in it, with the core conviction that they should serve first of all (read: exclusively) German science. This thought was developed in the inauguration speech delivered by Gustav Abb: 'Amidst the war hubbub and widespread desire to win victory, the respectful, currently German, state library located on the conquered hostile territory, is to be given to the public

12 Ibidem, p. 286.

13 'Um die Sicherung der Bibliotheken durchführen zu können, gründete Direktor Abb in den Hauptstädten der Distrikte' [...] U. Johanssen, *Hauptverwaltung*, p. 358.

14 'Ich wünsche, daß aus dieser Staatsbibliothek, immer weiter wachsend im Zusammenhang mit dem sehr bedeutenden Institut für Deutsche Ostarbeit, die Gewähr gegeben wird, daß wir einmal vom Führer eine deutsche Universität hierher bekommen. Und, wir wollen das auch heute gleich sagen, das ist auch unser Ziel. In diesem Raum muß eine große deutsche führende Forschungs- und Lehranstalt erstehen', 'Die Eröffnung der Staatsbibliothek in Krakau. Rede des Herrn Generalgouverneurs Reichsminister Dr. Frank', *Zentralblatt für Bibliothekswesen*, 58 (1941), p. 258.

to use.¹⁵ When commenting on the librarians' tasks, he claimed: 'These facts point to the direction in which German library administration should work: broadly complement and continue extending the German resources of scientific literature, extend the topics related to mathematics and science as well as medicine, yet first and foremost to comprehensively amass new German literature on National Socialism, race and population, planning and regional settlement, law and administration, as well as the history of Germany. Particular tasks, however, are formulated for the Library with respect to a wide range of issues connected with the East.'¹⁶

Polish librarians soon realised what the actual goals of the invaders were, and so they began losing their initial hope. Certain efforts undertaken by the German specialists, e.g., attempts to retrieve heritage pieces taken to the Reich in the first weeks and months of the occupation 'seemed, according to Alodia Kawecka-Gryczowa, to herald bearably regulated relations ...; however, the near future disillusioned them'.¹⁷ Shortly afterwards, Wanda Sokołowska also 'discerned' the actual goals of the Nazi administration, which was 'the establishment of the German library authorities as one of the elements of Germanisation ... and a means to destroy the research conditions in Poland'.¹⁸ Let us quote Kawecka-Gryczowa again: 'At the beginning of the cooperation, Witte displayed substantial

15 'Und wiederum mitten im Kriegslärm und im Siegeslauf soll heute sogar im eroberten Feindesland eine ansehnliche, nunmehr deutsche Staatsbibliothek der Öffentlichkeit übergeben werden', *Die Eröffnung der Staatsbibliothek in Krakau. Vortrag des Leiters der Hauptverwaltung der Bibliotheken des Generalgouvernements Bibliotheksdirektor Dr. G. Abb*, ibidem, p. 247.

16 'Dieser vorgefundene Tatbestand weist der Arbeit der deutschen Bibliotheksverwaltung die Richtung: weitgehende Ergänzung und Fortführung der Bestände an deutscher wissenschaftlicher Literatur, Ausbau auch der mathematisch-naturwissenschaftlichen und medizinischen Fächer, vor allem aber umfassende Sammlung des neuen deutschen Schrifttums über Nationalsozialismus, Rassen- und Bevölkerungswesen, Raumordnung und Siedlung, Recht und Verwaltung und deutsche Geschichte. Eine besondere Aufgabe aber ist der Bibliothek in bezug auf das große Gebiet der Ostfragen zugewiesen', ibidem, p. 254.

17 A. Kawecka-Gryczowa, 'Ochrona zbiorów', p. 207

18 W. Sokołowska, 'W Bibliotece Uniwersyteckiej', p. 287.

goodwill, and it seemed that he could be won to side with the Polish library policy ..., however, promptly, discrepancies in views as well as local and personal complications emerged'.¹⁹

CURRENT LIBRARY OPERATIONS

One of the more challenging issues that the Polish librarians confronted in the summer and autumn of 1940 related to staffing. Kawecka-Gryczowa concluded that 'personnel questions became the reason for various and excessively unpleasant complications. Abb did not agree to employ 29 people from the previous staff, including the author of the present memoirs, generally not providing the motivation for his refusal'.²⁰ The German authorities fired many specialists, among them Stefan Vrtel-Wierczyński, the pre-WWII Director of the National Library of Poland. Furthermore, a part of the staff working in the reading rooms, lending libraries, and storage areas before the war were not given jobs.²¹

A much greater challenge was the issue of the organisation of the libraries. The Warsaw State Library is recalled by Kawecka-Gryczowa as 'created on the ruins of the biggest Warsaw research libraries'. The researcher was aware of the purpose of these divisions: 'I - University Library of utilitarian nature, with development prospects, naturally for the needs of German readers; II - National Library, focused on Polish studies, of archival character, with no prospects for multiplying and sharing ... Such a position was unacceptable to Polish librarians'.²² Wanda Sokołowska noted that 'the concept of creating one library ... implied various consequences, albeit, always harmful to Polish culture'²³.

The most important criticism of German management concerned the restructuring of the resources of the Warsaw libraries ordered

19 A. Kawecka-Gryczowa, 'Ochrona zbiorów', p. 202.

20 Ibidem, p. 201.

21 W. Sokołowska, 'W Bibliotece Uniwersyteckiej', p. 291.

22 A. Kawecka-Gryczowa, 'Ochrona zbiorów', p. 201.

23 W. Sokołowska, 'W Bibliotece Uniwersyteckiej', p. 288.

by Wilhelm Witte in February 1941²⁴. The idea was conceived by Julian Pulikowski, born and raised in Germany, promoted in Austria, and in 1934, served as the Head of Central Phonographic Archives in the Second Polish Republic. In Alodia Kawecka-Gryczowa's opinion, 'He felt neither instinctive nor cultural reluctance to Germans, contrary to all of us'.²⁵ The essential plan consisted of transferring all the special collections to the Kasiński Library. As recalled by Kawecka-Gryczowa, 'the building had been damaged in the course of the war, the conditions for people and collections being entirely inappropriate'.²⁶ Jerzy Zathey, the expert in mediaeval manuscripts, forwarded an additional argument that 'the building located close to bridges (particularly the railway one) and the cross-city route would [not] be safe in view of bombarding'.²⁷ The National Library was to remain closed and dedicated to Polish studies, collecting materials produced after 1801, while the University Library was to serve as the basic research library used by Germans only.

'It seemed that counterarguments pointing to the harm that the move could imply,' noted Kawecka-Gryczowa, 'should convince not just a professional librarian, but anyone who had any common sense. It was obvious that accumulating Polonica at one place and non-Polonica at another would create a countless number of doublets and triplets, that drawing out cards from one catalogue to put them into another would consume years of futile work, all the more so since the cards featured different formats, and they would have

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- 24 Librarians particularly feared this kind of actions. In July 1940, when preparing for talks with Gustav Abb prior to his first visit to Warsaw, the staff of the Warsaw librarians accepted the guidelines proposed by Józef Grycz 'to try to preserve the institutions as a whole, to oppose the mixing of the collections to secure their inviolability', A. Kawecka-Gryczowa, 'Ochrona zbiorów', p. 200.
- 25 Ibidem, p. 198. The role of Pulikowski who died during the Warsaw Uprising was generally assessed negatively by librarians. Alodia Kawecka-Gryczowa characterized him as an 'unrestful intriguer of police inclinations who was more than once extremely nagging, prompted to play the German library authorities against his Polish colleagues'. At the same time, she observed that 'he helped many colleagues and ... defended the interests of the National Library and other libraries', ibidem..
- 26 A. Kawecka-Gryczowa, 'Ochrona zbiorów', p. 207
- 27 J. Zathey, *Dział rękopisów Biblioteki Narodowej w okresie okupacji*, Biblioteka Narodowa, MS Call No. akc. 3868, p. 17.

to be hand-copied, etc., etc. Once again were the German ignoramuses warned against amassing all the most precious collections in one building. However, neither protests nor factual arguments worked. Contrariwise, they made Witte even more reluctant... The restructuring consequences could shake the very core of the bodies of our libraries since they included not only moving around books and periodicals, disassembling catalogues, and outdated inventories but also a thorough change in the purchase policy and the procedure of complementing the collections in general. Witte knew very well that both heads of Sections I and II opposed that move, ridiculous from the point of view of both Polish interests and professional librarianship; yet, he continuously suspected everyone of sabotage, and assigned Pulikowski to supervise the move, himself introducing measures of stricter control through working *diaries*. 'We had to stop all the previous activities, and the whole staff became involved in packing, carrying, taking books, and drawing out cards from catalogues.'²⁸ In view of Stanisława Sawicka, an expert in prints, illuminations and drawings, and working at the Print Cabinet of the university library, Witte's only goal was 'the constant movement and statistics of the transported works, demonstrating intense activity, preventing him from being sent to the frontline'.²⁹ She judged the restructuring negatively by saying, 'Commissioner Witte's instructions led to a disintegration of the collections of historic provenance, to annulling messages of Polish culture, while the accumulation introduced a new chaos into already depleted and mixed Polish collections'.³⁰ Zathey, in his writing, judged that the introduced restructuring 'demonstrated bad will towards the [library] works we were doing and the desire to keep the staff busy not with mental occupations, but with physical labour'³¹.

28 A. Kawecka-Gryczowa, 'Ochrona zbiorów', pp. 207-209

29 P. Sawicka, 'Fragmenty wspomnień', in: *Walka*, vol. 2, p. 327.

30 Ibidem, p. 327.

31 J. Zathey, *Dział rękopisów Biblioteki Narodowej*, p. 17.

The Director of the University Library, Adam Lewak, protesting against such activities, was dismissed by Witte.³² Finally, owing to the protests of the Polish librarians in the autumn of 1941, Gustav Abb gave the order to stop work on moving special materials to Okólnik and transferring other materials between the *Staatsbibliothek* branches. In their memoirs, the Polish librarians emphasised that the Head of the Main Library Directorate was able to act in a much more reasonable way than his Wrocław colleague delegated to work in Warsaw: 'When it turned out that the majority of charges against Director Lewak were groundless, not only did Abb restore Lewak as Director, but he also instructed them to stop all the works connected with the disintegration of the library collections'.³³ Alodia Kawecka-Gryczowa wrote: 'He ordered to immediately stop drawing out catalogue cards respective of the enumerated books'.³⁴ Knowing that he was unaware of Abb's actual intentions, Wanda Sokołowska observed that 'not all the elements of that skirmish in which a Pole beat a German are known'.³⁵ She suspected, however, that one of Abb's aims was to limit Witte's independence, and make him more strongly subordinated to the Kraków centre. The decision of the Head of the Main Library Directorate merely brought about a partial solution as 'It ordered the interruption of further work on the segmentation, and not the restitution of the collections already taken This incomplete solution allowed Witte to implement his own structural concept ... on those sections of the plan that had already been completed'.³⁶ Thus, in harmony with Witte's plans, now backed by Abb's authority, 'The university library [was to be] a *utilitarian* library in the

32 'The open criticism of Witte's ideas presented by Director Lewak caused the Commissioner, under a pretext, to suspend him, then banned him from entering the University Library, and wanted to dismiss him. This is how the long-nurtured reluctance to the University Library's Director by the German found release', A. Kawecka-Gryczowa, 'Ochrona zbiorów', p. 209.

33 W. Sokołowska, 'W Bibliotece Uniwersyteckiej', p. 297.

34 A. Kawecka-Gryczowa, 'Ochrona zbiorów', p. 209.

35 W. Sokołowska, 'W Bibliotece Uniwersyteckiej', p. 297.

36 Ibidem, pp. 297-298.

range of all its collections (including the Polonica), while as for the purpose and profile of the National Library, Abb did not alter his genuine position. It was, therefore, to collect materials of archival character, give up acquisitions of newer writing, this was greatly unfavourable in view of its future development altering its basic functions in respect of Polish interests'³⁷. State Libraries were to satisfy the needs of German Eastern studies while the collections related to Polish matters were to remain unavailable, and the chances for their extension were also meagre.

Soon, attempts were introduced to give a German character to the libraries. As recalled by Wanda Sokołowska, at the University Library 'Witte's first instruction was to introduce a new division according to the language. The librarians hoped that they would be able to demonstrate to the Commissioner how useless such a plan was; when they failed, they tried to sabotage the project'.³⁸ Germanization was to take place in the broadest way possible: 'For German readers, the full range of reference book like in German libraries, was to be introduced; also, the catalogues were to be Germanized by introducing cards with headings in German. The replacement of old library forms with new German ones, and particularly of the ownership logos - the library stamp with the historic logo of the University of Warsaw - being replaced with the stamp with the Nazi crow, was meant to complete also the external transformation of the University Library into a *Staatsbibliothek* branch'.³⁹

In reality, Poles were unable to use the collections of the State Libraries. This is the fact acknowledged in Johanssen's memoirs already quoted above. In another section, he says, 'Libraries for the time being [JK's emphasis] were to be open only for Germans and Poles working for German institutions. Polish academics work-

37 A. Kawecka-Gryczowa, 'Ochrona zbiorów', p. 209.

38 Ibidem. As stated by Wanda Sokołowska, 'the reading room prepared with so much fuss for German readers remained deserted', (W. Sokołowska, 'W Bibliotece Uniwersyteckiej', p. 307).

39 Ibidem, p. 288.

ing as free-lancers were not admitted to use the collections; such a restriction was not applicable in the case of Ukrainian users'.⁴⁰ However, librarians at the Polish libraries tried to beat the ban. Alodia Kawecka-Gryczowa wrote as follows: 'Clearly, our libraries sabotaged these restrictions in many ways. So there was a large-scale lending of books and other materials to academics, or to clandestine school and university courses'.⁴¹ Against this background, what was surprising is the matter of access to the manuscripts kept in the Krasiński Library. Alodia Kawecka-Gryczowa recalled that 'manuscripts were made accessible generously, formally and unofficially; all the academics could access the materials they needed. It may seem strange, but the Commissioner was generous with access cards to the reading room Even Prof. Bałaban was able to benefit from the collection, using his pass to leave the Ghetto until it was annihilated.'⁴² The illustrious expert in early printed books was pondering the motivation of the Head of the Warsaw *Staatsbibliothek*. She decided that he was eager to record 'an increased statistics of readers (it would have looked miserable had it included merely German ones)'. A greater number of readers 'accounted for the utility not only of the *State Library*, but mainly of its Commissioner managing in the rear'.⁴³ It is also likely that in this way, Witte intended to justify his decision to restructure the Polish libraries, and have the special collections moved to the building of the Krasiński Library.

At the University Library the collection was mainly shared illegally. The number of readers 'was usually the biggest between 1 and 3 pm, namely, when Dr Witte would leave the library'.⁴⁴ The

40 Die Bibliotheken [waren] zunächst [emphasis: JK] nur für Deutsche und für die Polen, die für deutsche Dienststellen arbeiteten geöffnet. Privatim arbeitende polnische Wissenschaftler waren zur Benutzung nicht zugelassen, eine Einschränkung, die für ukrainische Benutzer nicht galt", U. Johanssen, *Hauptverwaltung*, pp. 359-360.

41 A. Kawecka-Gryczowa, 'Ochrona zbiorów', p. 203.

42 Ibidem, p. 212

43 Ibidem, p. 203

44 W. Sokołowska, 'W Bibliotece Uniwersyteckiej', p. 307

professor of Polish studies, Julian Krzyżanowski, recalled that when, in the summer of 1943, the German library authorities found out that the Korbut legacy kept at the Potocki Palace was used for clandestine classes with students, the materials collected by Gabriel Korbut were sealed.⁴⁵

Polish librarians had to face the challenge of taking care of book collections, either of institutions or individuals liquidated by the Nazis. Numerous volumes reached the university and national libraries. It would be very appropriate to quote here a longer section of Wanda Sokołowska's statement, which reads 'It could be read from the reports Witte submitted to Abb that he greatly cared for securing books from the Ghetto and other liquidated institutions. In reality, not all the attempts of the Commissioner to protect and preserve cultural goods, which de jure, remained in his care, came about on his initiative. In the majority of cases, they came from Polish librarians intent on saving the book collections of academics or the more outstanding activists as they informed him about their owners' arrest and the need to secure the libraries'.⁴⁶

The fact that both *Staatsbibliothek* branches took over the books led to serious complications. According to Witte's assumptions, duplicates and exchanges were to become the source of supply for other state libraries in the General Government and the Reich. However, there were only very few research libraries in the Polish territories not incorporated into the Reich. Apart from the Warsaw libraries, let us recall that the Nazi authorities created libraries of this kind in Krakow, Lublin, and, following the German invasion of the Soviet Union, also in Lviv. Polish librarians feared that duplicates from Warsaw's libraries would be taken outside the Polish territory. As commented on by Wanda Sokołowska, 'the full implementation of the duplicate policy could lead to stripping the part of Poland under the German occupation of academic books, which

45 J. Krzyżanowski, 'Dziwne losy książki w okupowanej Warszawie', in: *Walka*, vol. 1, p. 158.

46 W. Sokołowska, 'W Bibliotece Uniwersyteckiej', p. 298.

would mean depriving Polish society of the possibility to study and conduct academic research”.⁴⁷

As mentioned above, in keeping with the decision of the authorities of the invaders, the intention to extend the collections applied only to that of the University Library. Wanda Sokołowska observed that ‘an important role was played by purchases, while the legal deposit, donations, and exchanges yielded really few acquisitions for the library’.⁴⁸ During the war, only very few people were ready to donate their book collections to the University Library. ‘Looting and the destruction of Polish cultural goods by the invaders also boosted the atmosphere of mistrust towards the German library administration. Fears about an insecure future of library collections under German care did not favour the increase in their number through donations’.⁴⁹

Finally, it was possible to convince the German management to also increase the collections of the National Library of Poland. According to Kawecka-Gryczowa, ‘responding to Grycz’s insistence, Witte allowed the National Library, which was meant to be

47 Ibidem, p. 288.

48 Ibidem, p. 299. Quite a lot of books and periodicals were purchased at the Kraków Staatsbibliothek during World War II. It is worth quoting a longer passage from the memoirs of Helena Lipska, who worked in the library: ‘Director Kuntze knew how to suggest and present to Abb the need to continue the publications previously subscribed to by Jagiellonian Library and other libraries connected with it at that time, and to buy various valuable works. In addition, various Polish publishing houses acquired publications from antiquarians or directly from people in need. When Abb was leaving, bills for these books were presented to his German deputies to be signed [...]. However, this only lasted until Abb realised that too many items came from Polish publishers and he banned anyone from buying anything without his signature. He himself recommended purchasing, first of all, new German books, and then mainly medical and science books, which was justified by the fact that the need for the existence of the Library and its importance as a *kriegswichtig* had to be demonstrated in Berlin. Otherwise, German employees would be in danger of being sent to the front’, H. Lipska, ‘Biblioteka Jagiellońska w czasie okupacji 1939–1945,’ *Biuletyn Biblioteki Jagiellońskiej* 29 (1979), 1/2, p. 136. Kuntze, pre- and post-war director Jagiellonian Library, noted in his memoirs: ‘Abb completely neglected legal deposits, because they were mostly Polish publications’, E. Kuntze, ‘Dzieje Biblioteki Jagiellońskiej pod okupacją niemiecką w okresie od 1 września 1939 do 18 stycznia 1945’, *Biuletyn Biblioteki Jagiellońskiej* 25 (1975), 1/2, s. 30.

49 Ibidem.

merely an archival institution, to be able to complement the collection (the legal deposit from the territory of the General Government). Grycz also managed to talk Witte into purchasing Polonica and foreign works essential for current operations: as seen against the genuine plan to turn the National Library into an institution which is exclusively archival, not utilitarian, this was not really an impressive success.⁵⁰

It is worth adding the unofficial information on building a new ceiling over the place where the collection was stored at the university library. This project was implemented only with Polish contributions. The architect, Tadeusz Miazek, an engineer active in the underground urban-architectural unit, was responsible for designing the original plan for the rebuilding and historical reconstruction of the cities and towns destroyed during the September 1939 campaign. He contacted Marian Toporowski, a literary critic, bibliographer, and librarian working at the University Library. When working on the model of an experimental study, he illegally resorted to the University Library's collection. When taken through the Library's storage area, Miazek suggested having the concrete ceiling raised to protect the collections against bombing and shelling.⁵¹ However, Toporowski was certain that the 'German Commissioner of the *Staatsbibliothek* would never be interested in such a project. The invaders' regulations strictly prohibited the use of building materials for non-military facilities, while the library budget could not feature any sums of money allocated to building the ceiling'. The Director of the University Library, Adam Lewak, voiced the same doubts: 'Witte will never agree to that'.⁵² Finally, Lewak, who, as recalled by Toporowski, had 'many rounds with Commissioner Witte', 'managed to neutralise him. Maybe the German did not believe that the Polish improvisation would work,

50 A. Kawecka-Gryczowa, 'Ochrona zbiorów', p. 210.

51 M. Toporowski, 'Strop. Wspomnienie warszawskie', in: *Walka*, vol. 1, pp. 342-348.

52 Ibidem, p. 346.

still, he promised to connive at the construction of the ceiling'.⁵³ As judged by Toporowski, Witte 'after all was a librarian himself, a Slavist on top of it'.⁵⁴ It could be doubted whether these aspects had a positive impact, but he certainly did not support the Polish librarians in accumulating the building materials. The success of the project has to be exclusively attributed to Tadeusz Miazek. Toporowski noted: 'Thanks to Tadeusz Miazek, a strong protective ceiling was built over the storage area of the Library, protecting the collections against incendiary bombs and lighter missiles'.⁵⁵

Meanwhile, Gustav Abb, and occasionally Witte, were sometimes positively mentioned in the context of certain facilitations in the current work. Abb would issue certificates permitting business trips, e.g., in late autumn 1944, such a certificate was granted to Stanisław Herbst, a researcher in modern history and highly esteemed after the war, to travel to Krakow.⁵⁶ Some dozen months before, Herbst was granted a permit to travel to Kremets, where, in 1939, before the outbreak of the war, printed materials and mementoes had been sent to be used in an exhibition dedicated to Juliusz Słowacki. In Herbst's opinion, 'there were fears that the approaching warfare could destroy those materials',⁵⁷ and the trip was made 'with the support of the Library Directorate GG (Abb)'.⁵⁸ This was hardly worth anything since, on the way, Herbst did not get any real assistance from him. He had to communicate with the Polish railway men in Brody, and while in Kremets, he was obliged to count on the goodwill of Alexandr Cynkalovsky, the Ukrainian director of the local museum. Not only was Herbst arrested on his way back, and spent two weeks in jail in Dubno, but also when he was already in Warsaw, 'Witte, as he recalled, possibly as demanded by the Krakow authorities, requested an expla-

53 Ibidem, p. 347.

54 Ibidem.

55 Ibidem.

56 P. Herbst, 'Relacja', in: *Walka*, vol. 1, p. 141.

57 Ibidem, p. 132.

58 Ibidem, p. 134.

nation as to under what circumstances the Dubno incident had happened'. Although, as noted by Herbst, 'he calmly accepted my laconic report',⁵⁹ Witte had not even once provided assistance to the Polish researcher on his Kremens mission. In this context, however, let us mention that Witte authorised a course for librarians attended by over 40 individuals.⁶⁰

The passive attitude of the German supervisors in late 1943 and the first half of 1944 was negatively assessed. In view of the substantial success of the Soviet troops, the Polish librarians expected some actions meant to protect the libraries and their collections. When they turned to Witte with the request, as recalled by Kawecka-Gryczowa, 'to have the most precious collections, particularly the Załuski Library, taken out of Warsaw and placed in a smaller town potentially less exposed to warfare',⁶¹ the Head of the Warsaw *Staatsbibliothek* 'remained deaf to any proposal'.⁶²

Since the evacuation plans failed, the Polish librarians were planning to place the major historic pieces in safe facilities within Warsaw. As recalled by Kawecka-Gryczowa, 'the best conditions could be secured by the Ostrogski Palace; alas, it served as the storage for army wine!' This plan could not be implemented. 'It was in vain that Dr. Grycz pressed Witte to empty those cellars. The Commissioner proved entirely helpless: he either did not want to or was unable to intervene where it was necessary ...'.⁶³ Witte left Warsaw on 23 July. Wanda Sokołowska considered his departure to have been an escape.⁶⁴

Let us remember that Gustav Abb expected Witte to place the collections kept in the Okólnik building at three different locations. On that occasion, 'he would also criticise Witte's unfortunate amassing of all the manuscripts and precious printed ma-

59 Ibidem, p. 134.

60 A. Kawecka-Gryczowa, 'Ochrona zbiorów', p. 206.

61 Ibidem, p. 214.

62 Ibidem.

63 Ibidem.

64 W. Sokołowska, 'W Bibliotece Uniwersyteckiej', p. 274.

terials at one location, meaning that one bomb would suffice to destroy the whole collection'. Kawecka-Gryczowa judged that 'Abb manifested much more common sense and skills as well as librarian experience than his unfortunate subordinate. Regrettably, he left the latter too much freedom in action'.⁶⁵

Unfortunately, Abb, too, remained deaf to the requests of the Polish librarians, and when, in July 1944, he decided to evacuate selected collection fragments to Gorbitsch (Polish Garbicz, presently in the Lubusz Voivodeship), this decision was opposed by the Poles, e.g., Józef Grycz who expected the collections to be placed in Polish territories. 'On 18 August 1944, Abb pointed to the urgency to send cimelia manuscripts to Gorbitsch, adding that "protests of the Polish party were not to be taken into account"'.⁶⁶ The action was interrupted by the evacuation of the German officials.

THE PRUSZKÓW ACTION

Polish librarians were also negative about the attitude of the German professionals in the course of the so-called Pruszków Action, which was an attempt to secure and transport the surviving books and manuscripts from Warsaw, which was to be completely destroyed on Adolf Hitler's orders.. Gustav Abb was particularly criticised. It was clear that he did not intend to rush when the Action details were being lengthily discussed among the Polish and German experts. This was reported by Bohdan Korzeniowski, one of the participants in the event, and an outstanding historian of theatre and writer, who said, the Germans 'were not too prompt'.⁶⁷

When the works were started, not only did Abb give priority to less important and valuable collections in German, but he also hindered the evacuation of the Polish collections, even robbing them. Czesław Gutry justly pointed to the conflict of interests of

65 A. Kawecka-Gryczowa, 'Ochrona zbiorów', pp. 214-215.

66 Ibidem, p. 215.

67 W. Borowy, 'Okres Powstania 1944 r. 'W Bibliotece Uniwersyteckiej' w Warszawie. Relacja Bohdana Korzeniowskiego spisana przez Wacława Borowego', in: *Walka*, vol. 1, p. 363.

the Polish and German librarians: ‘they were focused on early-printed books, among which there were many German books, and generally books in Western languages. We mostly cared about all Polish books’.⁶⁸

The historian of literature, Waław Borowy, recalled: ‘At the University Library ... the whole action was biased by Abb who showed up already on the first days, and began to throw his weight around’.⁶⁹ The German librarian intended, first of all, to evacuate newer German literature: ‘to evacuate first the German reference library, special German periodicals, and German scientific literature from after 1930. And Parteigenosse Prof. Dr Abb had such an extensive concept of scientific literature that it even encompassed volumes of *Sammlung Götschen* [school editions of German classical writers: JK], he personally packed them in a chest, expressing his regret that the Library did not have the full edition of *Reclam*. What could one do? Tycoon’s orders had to be obeyed.’⁷⁰ Borowy concluded that Abb was ‘a stupid careerist who played on the primacy of German interests’.⁷¹

In turn, Tadeusz Makowiecki, a literary critic, historian of literature and art, and working at the University Library, noted: Abb ‘instructed me to first of all pack in the chests the following publications: Reclambibliothek, Goschenbibliothek, and Aus Natur und Geisteswelt. I was dumbstruck. I obeyed his order for an hour, and then turned to Director Grycz to intervene since Grycz (being

68 C. Gutry, ‘Pamiętnik’, in: *Walka*, vol. 2, p. 26. In Gutry’s view, Abb, and other German supervisors ‘were interested in the evacuation, and made sure we prepared such books which the Nazis cared about’ (ibidem, p. 20). Interestingly, however, the attention of the uniformed Germans could be diverted to other tracks: ‘More and more often, wrote Gutry, different Gestapo soldiers hanged around who were interested in the book transportation and were breathing down our necks. Actually, typical scrimshankers of different ranks... Not very discrete, they would poke their nose where not needed. [Ksawery] Świerkowski found an infallible method against them. He would draw out pornographic books, and would interest the Krauts in this instructive literature to the extent that we would be left in more peace’, (ibidem, pp. 20-21).

69 W. Borowy, ‘Z zapisek Borowego’, comp. Z. Stefanowska, in: *Walka*, vol. 2, p. 188. At another place the scholar wrote down: ‘Abb showed up again at the Library, and hampered the work, poking his nose into everything’, ibidem, p. 197.

70 Ibidem, p. 188.

71 Ibidem.

an author known in Europe) was the only person Abb respected the most, and to Himpel, a German, whom I actually straightforwardly told that nobody would eagerly work under shelling on the frontline, in frost and hunger, to evacuate worthless German waste paper which could easily be collected in tons through the reading rooms of all primary schools in Germany, while the publications at risk of perishing were the priceless records of Polish culture and history spanning four centuries, as well as exquisite 16th-century editions from Venice, Florence, Basel, the Hague, Nuremberg, French 18th-century album volumes with prints by the most exquisite authors, and, finally, tens of thousands of Russian printed materials not available anywhere in Central Europe outside Warsaw'.⁷² In other words: 'Saving worthless popularising brochures for the half-educated released in hundreds of thousands of copies was the first genuine concept of the representative and "head" of the German academic librarians'.⁷³

Although, finally, Abb was persuaded to also save the Polish collections,⁷⁴ he systematically torpedoed such efforts: 'He thrashes around feverishly,' wrote Waław Borowy, 'on and on criticising the selection of books from the *numerus currens* section (at the same time proving to be a fool and a brute); he would grab, e.g., the brochure *Warsaw of the Future* related to the exhibition of urban design at the National Museum, and casting it on the floor he would contemptuously shout *Reisepropaganda*'.⁷⁵ The Polish librarian nurtured no doubt that the German supervisor did not care for the protection of the Polish collection; 'He would personally add

72 T. Makowiecki, 'W obronie zbiorów bibliotecznych. Wspomnienie z 1944 r.', in: *Walka*, vol. 2, pp. 258-259.

73 Ibidem, p. 259.

74 'After a long conference, and long-lasting resistance, Director Abb reluctantly decided that three streams would go parallelly: a) 19th-century scientific German printed materials, mainly periodicals (under his guidance); b) 19th-century most important and representative printed Russian materials (under Himpel's guidance), and c) Polish printed materials at our discretion. Marginally only, merely as exceptions, it was permitted to pack the most precious French, Italian, or English materials', ibidem, p. 259.

75 W. Borowy, 'Z zapisek Borowego', p. 201.

foreign multi-volume publications, such as, e.g., *Historia de España*, presented by the Spanish government, or reports from the 1929 international librarian congress'.⁷⁶

Abb also hindered the work of the Polish librarians by resorting to other means. He instructed the staff to have several thousand sacks originally meant to secure periodicals from the University Library filled with fiction. 'The German government, observed Borowy ironically, decided to demonstrate how much they cared for the *spiritual needs* of the labourers forcefully employed in the Reich's war industry (this care is manifested in recruitment proclamations!). Therefore, in all the libraries, 'light fiction was to be selected for the purpose'.⁷⁷ However, when asked by Stanisław Lorentz, he claimed that the sacks, in compliance with the plan, were to be packed with Polish periodicals. Borowy also emphasised that Abb turned out to be 'on top of it all, an insolent liar'.⁷⁸ This was said because it was found out that not only did he hinder the action of saving the Polish collections, but he was also a thief. It was certainly of lesser relevance that he had taken a bottle with ink from the ruined building of the Krasiński Library. The following can be read in Tadeusz Makowiecki's memoirs: 'One day two workers say to me quietly:

'Doctor Makowiecki, one of those Germans steals things.'

'What?'

'He took two large bottles of coloured ink from the shed, he looked around to see if anybody was watching, and hid them under his military coat.'

'Which one? (I obviously thought it would be a military policeman or guard).'

'That black one.'

76 Ibidem.

77 Ibidem. Czesław Gutry was tricked into it, thinking that the goal was truly to save books: 'I selected books for labourers in Germany from among doublets and from the collections at the branches. They were good books, popular, however, we did not undermine the core possessions of the Library. About 12,000 books were prepared which were dispatched from the cargo station, today housing the Main Railway Station', C. Gutry, *Pamiętnik*, p. 25.

78 W. Borowy, 'Z zapisek Borowego', p. 201

I couldn't believe it, but when a moment later I was talking to him, the unbuttoned coat was rigidly bulked on Director Abb's chest: the director of the largest library of Nazi Germany, President of the Association of Librarians.⁷⁹

The theft of the bottle of ink made the Polish librarians begin to examine Abb's activity more carefully. It soon turned out that the Germans did not only appropriate writing utensils, but also some collections. Tadeusz Makowiecki noticed that one of the chests meant for transportation was addressed to a Berlin Library. The Polish librarian wrote: 'Meanwhile, Abb began to search through catalogues, ordered to have one person assigned as his assistant, and he collected German cimelia from the late 18th and early 19th century in a chest; the first editions of poetry by Goethe, Schiller, Lessing, Schlegel, the first editions of Kant, Fichte, Schelling, Hegel. Up to this point, this was all understandable. However, when the chest was nailed up, he ordered to have the sequence number and the inscription *Staatsbibliothek Warschau* (as all the remaining ones featured) crossed out, personally writing instead: Dir. G. Abb — Berlin.'⁸⁰ Polish librarians took duty shifts successfully, trying to prevent the collection's dispersion. Makowiecki wrote as follows: 'The first chest, yes, did go with the transportation. But not the next ones. We would come earlier and stay in the storage for longer than the Director, who, together with the military policeman, would be staying in a warm cellar drinking mulled wine from a flask. Therefore, the content of two further chests was moved from under private signs to regular ones of our subsequent chests.'⁸¹ However, they were not completely successful at doing this. As noted by Makowiecki: 'On the last day of his stay in Warsaw (20 December), [Abb] packed in his briefcase two manuscript fascicles: they were a score, compositions by Elsner, Chopin's teacher.'⁸²

79 T. Makowiecki, 'W obronie zbiorów', p. 258

80 Ibidem.

81 Ibidem.

82 Ibidem.

In the opinion of the Polish librarians, the Germans did not care about saving the collections which had survived. When at the University Library, the Polish staff began to implement the plan to transfer secretly from the Germans a part of the collection to the cellars and brick them in, there was a fear that the German supervisors would find out. Borowy was concerned: 'by too much talking this may reach Himpel or Abb, who might oppose it, while brick-ing in may clash with technical difficulties'.⁸³ He was not wrong. The minute Abb found out about the project, he first threw a tan-trum, and subsequently banned carrying any more books down-stairs'.⁸⁴ However, the work was continued, obviously, when the German librarians were absent.⁸⁵

Marian Łodyński, as the inter-war period Director of the Central Military Library, judged that many intended actions could be fi-nally implemented only because the German librarians 'could not follow the course of works in detail, they followed false facts and our organisation operating effectively, in many a case, took them by surprise'.⁸⁶ Alodia Kawecka-Gryczowa, in her writing, was very negative about Abb: 'During the evacuation, he compromised him-self both with the overall idea of *preserving*, and his personal moves ... Abb's personal behaviour was not in keeping with his position in the library world, either: the fact that he took German books for his private use could have been accepted under the circumstances of the day. What is worse, the taking out of flasks of ink repeated ... They were comprising, though small gaffes'.⁸⁷

83 W. Borowy, 'Z zapisek Borowego', p. 191.

84 Ibidem, p. 203, The following is what Tadeusz Makowiecki wrote about the issue: 'Obviously, I didn't stop taking the books down to the cellar. However, a change of tactics was needed: the strict ban issued by the nominal supervisor of a high Party dignitary after all on the frontline couldn't be violated'. T. Mako-wiecki, 'W obronie zbiorów', pp. 253-254.

85 W. Borowy, 'Z zapisek Borowego', p. 207.

86 M. Łodyński, 'Pruszkowska akcja zabezpieczania warszawskich zbiorów biblio-tecznych. Wspomnienia uczestnika akcji', in: *Walka*, vol. 2, p. 281

87 A. Kawecka-Gryczowa, 'Ochrona zbiorów', p. 228.

The accusation of the lack of care for the evacuated collections is of a totally different category. Let us quote Borowy again: ‘Three last transportation batches for the lack of transportation means were unloaded at a railway station, awaiting further developments... . Instead of taking care of how things can be solved there, Abb is hanging around here ... most likely trying to win the iron cross, collecting frontline daily allowance’.⁸⁸ All the Polish librarians agreed that Abb exposed the Polish collections to the danger of destruction and dispersion by making the decision to evacuate them to Gorbitsch. At the TON Congress in May 1946, Józef Grycz remarked: ‘The one to be blamed for those losses is Dr. Abb, who, despite the insistence on the part of the Polish librarians, did not agree to place the evacuated collections in Polish territories. Only a fraction of the collections was successfully and secretly located in Poland’.⁸⁹ A similar judgement can be found in the recollections of Alodia Kawecka-Gryczowa: ‘It is Abb who has to be most strongly accused: it was his responsibility that the collections were taken to Gorbitsch where, following the end of the war, they were found in a deplorable state, plundered, and destroyed’.⁹⁰

Two more records illustrating Abb’s attitude and that of the Polish librarians towards him are worth mentioning. Elżbieta Skierkowska, who worked at the Public Library of the City of Warsaw, wrote in her memoirs how the German librarian visited the library building in Koszykowa Street: ‘We were visited ... by Abb who seeing the cemetery at the other part of the library courtyard made an effort to be funny, suggesting that our team should be writing a novel titled *The Last Seven in Warsaw*, and predicted that we would be buried in that cemetery. There was some truth in those callous jokes, addressed, after all, to the defeated’.⁹¹ The disrespect to the Polish li-

88 W. Borowy, ‘Z zapisek Borowego’, pp. 202–203

89 J. Grycz, ‘Biblioteki podczas wojny’, after: A. Kawecka-Gryczowa, ‘Ochrona zbiorów’, p. 228.

90 A. Kawecka-Gryczowa, ‘Ochrona zbiorów’, p. 228.

91 E. Skierkowska, ‘Warszawska Biblioteka Publiczna na tle wydarzeń ostatniej wojny (1939–1944)’, in: *Walka*, vol. 1, p. 417.

brarians was not only manifested by Gustav Abb, but also by Czesław Gutry, who recorded that: 'By the end of our stay also higher officials of the German government began to arrive. One of them, Dr Schellenberg, could not understand how we managed to survive in the library for so long, and while looking at the graves in the garden. He even made an effort to joke in a truly German manner: *Jetzt sollen Sie für sich selbst Graben schicken*. Although later, he even complimented us: *Sollen Sie einen Roman schreiben: Die letzten Sieben*.'⁹²

Stanisław Herbst, in his writing, recalled that when visiting the National Library, Gustav Abb asked why 'the catalogues were packed as first, thus allowing to lose orientation in the collections... and he heard in reply: *So that at least the catalogue would survive the library*'.⁹³

The need to communicate with Gustav Abb and stay in his company was judged as something very unpleasant. Stanisław Herbst remarked that the German boss, having found out that the Poles participating in the Pruszków Action received bigger food rations ('we're rich in vodka and sausage'), made efforts to get some food from them. Herbst claimed, with satisfaction, that 'I managed to avoid' sharing meals with Abb.⁹⁴ A similar undertone can be found in the recollections of Waclaw Borowy, who wrote that some colleagues 'had to accompany Mr Abb during breakfast. Thank the Lord, I was released from that duty!'.⁹⁵ Herbst remarked at the same time that when Abb was hearing the report of the Polish librarians in one of the Pruszków restaurants, he did not bring himself to share the meal with them ('obviously, we got nothing to eat there'⁹⁶).

The librarian much more positively recalled by the Polish librarians was the Baltic German Alexander Himpel, although importantly, he was also feared in case he found out that the collections of the University Library were being taken to the cellars. Himpel, as recorded by Makowiecki, was 'a slim, slight German, looking

92 C. Gutry, *Pamiętnik*, pp. 20-21.

93 P. Herbst, 'Relacja', pp. 139-140.

94 Ibidem.

95 W. Borowy, 'Z zapisek Borowego', vol. 2, p. 189.

96 P. Herbst, 'Relacja', pp. 139-140.

like a fourteen-year-old boy, only thoroughly grey ... had the kindness of a good boy in his eyes. Only he, raised in the east of Europe, was a European. He would take into consideration someone else's opinion, he would consider every decision from many aspects, he truly cared for the book and all the cultural goods, he felt sorry for us, never imposing himself on us. He was well-read, discrete, composed.⁹⁷ Had it not been for his assistance, it would have been impossible to save a set of the Uprising Press collected by Czesław Gutry. Makowiecki recalled that Himpel, 'after a moment joined with his pass. When Gutry was filling in two suitcases with dangerous printed materials in the cellar, Himpel took both of them, and personally carried them so as not to expose the Pole to the danger of being searched by street patrols. In the library, he handed them to him with a smile.'⁹⁸

JUDGMENTS

Already after the first months of his presence in the General Government, Gustav Abb became the object of cruel jokes. Tadeusz Jaroszewski, working for the University Library, dedicated several verses to him. Having introduced minor changes to the poem, it was soon disseminated among the National Library staff and read:

'Once a Kraut arrived
His name being Abb
And he said: bitte,
Here's your Commissioner Witte.
Now the Kraut says that
the Staatsbibliothek Abteilung Zwei
Will be with us for years to come
Zu Befehl of the conqueror of the world.
Working from now on herab
To please Abb.'⁹⁹

97 T. Makowiecki, 'W obronie zbiorów', p. 260.

98 Ibidem. See C. Gutry, *Pamiętnik*, p. 27.

99 A. Kawecka-Gryczowa, 'Ochrona zbiorów', p. 203. See Witold Stankiewicz, 'Urządowy wykaz druków'. Dzieło życia Jadwigi Dąbrowskiej', in: *Bibliotekarze polscy we wspomnieniach współczesnych*, vol. 1: *Z warsztatu bibliografa*, Warszawa 1991, p. 36. (English transl. Magdalena Iwińska)

Tadeusz Makowiecki remembered Gustav Abb as ‘a tall well-built man in a black uniform of a party dignitary, in long boots, with a red swastika on his left arm, handsome, elegant with the elegance of a Prussian major’. He added that ‘Abb usually had a polite smile on his face, with understanding kindness of a staff officer towards non-commissioned officers’.¹⁰⁰

When it came to Witte, in Makowiecki’s eyes, he was ‘neither good, nor bad, neither clever, nor stupid and even ... neither honest nor dishonest: typically mediocre, even in height. We called him a small library corporal, actually not metaphorically: he was small in every aspect, and a corporal in every aspect. This library non-commissioned officer was in Warsaw promoted to the rank of a general.’¹⁰¹ Makowiecki also added that ‘He would often be moved, although always in secrecy, sometimes he would help in privacy, in privacy he bridled at Hitlerism, however, in his addresses and instructions he was severe, and this severity was not merely externally apparent, since he scrupulously, strictly, and over-zealously implemented all the plans. He had no scruples about the books, tradition, principles, and the people he felt prejudiced against; then he persecuted them, had them followed by a caretaker, he would secretly search their drawers. Apart from that, he would mock everybody around him, the world, the war, and himself.’¹⁰²

When comparing Abb and Witte, Makowiecki wrote: ‘Doctor Witte was a grey official, whose promotion was not a very responsible decision. Director Abb was a flagship individual of the Hitler regime, representing its ideals – *superiority* ethics. He could command; he was an authority. When dealing with people, he was, let’s admit it, smooth and not as mean-mindedly biting as Witte. In librarianship, he knew the organisational aspect. He would have made an equally outstanding director of a huge brewery or a tyre factory.’¹⁰³

100 T. Makowiecki, p. 258.

101 Ibidem, p. 257.

102 Ibidem, p. 258.

103 Ibidem, p. 260.

In view of the above-quoted records, it is hard to agree with what Johansson stated that the goals of the German library policy harmonised with the Polish intentions and that the Poles willingly worked under German supervision and were not conflicted in their own consciousness'.¹⁰⁴ Working under Witte's supervision was, as observed by Wanda Sokołowska, an unpleasant necessity: 'Over the four years of the German occupation, the responsibility towards the institution caused the Polish staff to suffer numerous humiliations and dilemmas, when forced by the Commissioner's instructions, moving more and more towards the library's Germanization and the destruction of the protected libraries' structure. They had to consistently shift from the tracks of normal library work to the struggle for the inviolability of the Polish libraries'.¹⁰⁵ The vision and goals of the German librarians almost clashed entirely with the expectations of the Polish party. That is why it was necessary 'to continue the second track of works done on the margin of Witte's instructions in harmony with the Polish understanding of a librarian's obligations. They consisted in the hidden opposition against the Commissioner's policy, which they were forced to contribute to.'¹⁰⁶ Marian Toporowski, in her writing, judged 'that subordinated mainly to Polish supervisors, depending on the circumstances, we would either act at a snail pace or resort to sabotage, defending the inviolability of the collections'.¹⁰⁷

The challenges faced by Polish librarians working under German supervision are also well illustrated by the above-mentioned Czesław Gutry: 'The balance of work at the Public Library during the occupation, undertaken under very peculiar circumstances

104 'Direktor Abb setzte nur Fachbibliothekare ein. Sie haben gerne unter ihm gearbeitet und sind nie mit ihrem Gewissen in Konflikt gekommen. Die angeführte Zielsetzung entsprach aber ebenso dem Wunsche der polnischen Bibliothekare, die sich - sie mochten zu Deutschland stehen, wie sie wollten - zur deutschen Bibliotheksverwaltung stets loyal verhalten haben', U. Johansson, *Hauptverwaltung*, p. 360.

105 W. Sokołowska, 'W Bibliotece Uniwersyteckiej', p. 289.

106 Ibidem, pp. 295-296.

107 M. Toporowski, 'Strop', p. 338.

may often suggest that we acted in harmony with the invaders. Apparently, we did, as a different form of work was unthinkable, yet we did everything we could to act for the benefit of the Polish culture, and essentially, it was work that did not depend on the aggressors. We first of all saved Polish books, and the most precious ones among them.¹⁰⁸ Therefore, on the part of the Polish librarians, it was by no means cooperation, but merely necessary actions essential for securing the collections of which they were guardians.

Meanwhile, Ryszard Przelaskowski, who headed the Public Library of the City of Warsaw, not subjected to the Main Library Directorate, judged Abb' and Witte's intentions as follows: 'Despite struggling with the professional ignorance of my supervisors, I did everything I could to avoid the assistance of the German professional librarians, mainly Abb from Krakow, managing all the library matters in the General Government, and Witte as the Warsaw officer. Simply because I doubted that their librarian predictions would oppose the *cultural* tendencies of Hitlerism, and I feared that as *professionals*, they would be carrying out their *library projects* more effectively than others. Therefore, their merely fleeting visits to the library and lack of interest in it on their part didn't worry me.'¹⁰⁹

In view of all the above remarks, what is astounding is the statement by Andrzej Mężyński, a researcher in the history of libraries and book collections. This historian was of the opinion that the Nazi authorities preserved the Polish libraries, and protected them, because the 'ethos of the German librarian would not have allowed them to destroy them'.¹¹⁰ By thus describing the intentions and

108 C. Gutry, *Pamiętnik*, p. 32

109 R. Przelaskowski, 'Wspomnienia o pracy w Bibliotece Publicznej m. st. Warszawy w okresie drugiej wojny światowej', in: *Walka*, vol. 1, p. 380.

110 Andrzej Mężyński, *Biblioteki Warszawy w latach 1939–1945*, Warszawa 2010, pp. 110–111. In 2022, the historian wrote: 'we must not forget the actions of Abb and his several-individual team on a macro scale: they organized four State Libraries in which scientific books from four districts of the General Government and "cemented in such a way" they lasted until the end of the occupation', idem,

motivations of the German authorities, he questioned the credibility of the judgment of the Polish librarians, taking at face value the evaluation presented by the Germans.¹¹¹ This must have been so for him to reach the following conclusion: 'I have noticed that over the discussed period, the German librarians complied with the professional criteria of librarians and acted ... decently'.¹¹² A critical analysis of the judgments submitted by Andrzej Mężyński should become the subject of a separate study.

Neither does it seem appropriate to try to observe the compliance with the librarian's ethos in the attitude of the German librarians during WWII in the light of international law. The invaders of Poland were also obliged to preserve cultural goods in view of the convention ratified by Germany. As from after the September 1939 campaign, no peace treaty was concluded, and so, in the light of international law, Polish territories were occupied territories. The Second Hague Convention with Respect to the Laws and Customs of War on Land of 1899 stated that: 'The occupying State shall only be regarded as administrator and usufructuary of the public buildings... . It must protect the capital of these properties and administer it according to the rules of usufruct.' (Art. 55).¹¹³ This is further

'Na marginesie pracy Tadeusza Zadrozzonego', *Biuletyn Historii Sztuki* 84, 2022, 2, p. 397. In the text printed that very year, he presented the view that although 'German librarians ... were emissaries of the Third Reich to the Polish territory, thus of the aggressor ... they tried to remain faithful to the ethos of the librarian, thus defenders of books'. Idem, 'Dwa oblicza niemieckich bibliotekarzy w Polsce podczas okupacji 1939-1945', *Z badań nad książką i księgozbiorem historycznymi*, 16, 2022, 3, p. 405.

- 111 E.g., 'Edward Assbury made an erroneous diagnosis' (Mężyński, *Biblioteki Warszawy*, p. 109), 'the opinion of Alodia Kawecka-Gryczowa was not substantiated' (Mężyński, *Biblioteki Warszawy*, p. 110). Although having admitted that 'Witte in his memoirs falsified the facts that were not to his advantage in any possible way' (A. Mężyński, *Dwa oblicza*, p. 403), the historian, while recalling the statements of the German librarians, failed to conduct a thorough analysis of his source. Worth mentioning at this point is that the analysis of the elucubration of the German librarians is a worthy topic for a separate study. In their writings the war realities were greatly falsified.
- 112 A. Mężyński, *Dwa oblicza*, p. 403.
- 113 <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-ii-1899/regulations-art-55> [accessed: 2 December 2023].

extended in the following Article, which states that ‘The property of ... educational institutions, and those of arts and science, even when State property, shall be treated as private property. All seizure of and destruction, or intentional damage done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of proceedings.’ (Art. 56).¹¹⁴ These provisions were reiterated in the Fourth Hague Convention of 1907.

The German library policy in the case versus Ludwig Fisher was referred to in the sentence by the Supreme National Tribunal. It was justly observed in it that the stripping of the Polish libraries of the most precious collections and closing them down, the introduction of the ban on printing books and other publications apart from those of a propagandistic character; the removing of books regarded as not in line with the Nazi ideology from libraries and bookshops, and most importantly, the restructuring of the Warsaw library network carried out under Wilhelm Witte were actions conducted to the detriment of the Polish state and civil population.¹¹⁵

Translated by Magdalena Iwińska

114 <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-ii-1899/regulations-art-56> [accessed: 2 December 2023].

115 ‘Z sentencji i uzasadnienia wyroku Najwyższego Trybunału Narodowego w sprawie przeciwko Ludwigowi Fischerowi i in.’, in: *Walka*, vol. 2, pp. 565–566.

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AN ETHOS OF A GERMAN LIBRARIAN?

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ABSTRACT

This article describes the book exhibition *Book and Sword*, which was organised by the Nazi Propaganda Department in occupied Warsaw in 1941. It begins by discussing the cultural and political context, with particular reference to the fact that such exhibitions played an important legitimising role for the German occupying authorities. On the basis of archive documents from Warsaw libraries, it is shown how the staff of the propaganda department specifically searched for concrete titles from these collections in order to tell a new historical narrative through them. The article also examines the specific fate of individual copies, as not all of the borrowed books were actually returned to their original location after the exhibition.

KEYWORDS: Nazi cultural policy; Warsaw (Nazi occupation); History of Warsaw libraries; Second World War (cultural policy); *Book and Sword* (exhibition 1941)

INTRODUCTORY REMARKS

The first inspiration for the research whose results are presented in this paper and which concerns the use of the collections of Polish libraries and archives by the staff of the Nazi Propaganda

Department in order to realise the objectives of cultural policy in the General Government through the organisation of book exhibitions, was drawn from the materials of the Ministry of Congress Works of the Polish Government in Exile, and more precisely of the Office for the Revindication of Cultural Losses forming its part and headed by Karol Estreicher.¹ These contained mainly press cuttings from German papers published in occupied Poland collected by the Office, and related to Polish libraries and their collections, as well as the files that the Estreicher's Office put together on their grounds.² In his letter to Stanisław Lorentz dated 14 June 1945, Estreicher characterised those files in more detail, informing at the same time that the main goal of the documentation of destruction and losses inflicted by German and Austrian Nazis on the territory of occupied Poland was to prepare grounds for the post-war revindication negotiations on the international arena:

The Office for the Revindication of Cultural Losses, which I have the honour of heading, brings together about a dozen academics who have tirelessly prepared materials dealing with our losses and compensations within culture. When, in the spring of 1944, revindication issues were launched in the international arena,

- 1 I have presented these materials and the works of the Office for the Revindication of Cultural Losses in the paper titled 'Losses and Dislocation of Polish Book Collections in the Light of the Materials of the Office of Congress Works of the Polish Government in Exile in London' which I delivered on 20 April 2021 during the open seminars at the National Library.
- 2 I mean here the materials amassed in the Central Archives of Modern Records by the Ministry of Congress Works of the Polish Government in Exile in London, particularly those in the following files: 1. *Cuttings from German Press (or copies) Related to Cultural Matters in Poland for 1940-1945* (Call Nos: 2/136/0/3/252-257, and 259). 2. *Cuttings from English, Brazilian, and Polish Press related to Cultural Matters and Poland* (Call No. 2/136/0/3/258), and 3. *Excerpts from German Press Related to Cultural Matters in Poland* (Call No. 2/136/0/3/260), contained in the third series which constitute materials of the Department of Revindication of Cultural Losses. The list of all the units in this Departments is available at: https://www.szukajwarchiwach.gov.pl/seria?p_p_id=Seria&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&Seria_nameofjsp=jednostki&Seria_id_serii=284002 [Accessed: 19 April 2023]. In the description of the exhibition *Book and the Sword* itself, I additionally rely on materials from the Archives of the National Library in Warsaw and the University of Warsaw Library (see footnotes 37, 40 and 86).

Poland was the only country which had materials prepared and a worked-out method. There are three files which form grounds for the Office's activity: 1. The location file in which losses of our institutions are discussed according to respective locations; 2. The material file recording respective objects according to categories; 3. The personal file containing names of the Germans who plundered in Poland and who are now arrested and being interrogated.³

A closer analysis of the above files shows that the Office paid particular attention to, e.g., the issues connected with any interference in Polish library collections. Such could have included, e.g., the organisation of the collections imposed by the occupation administration, like the moving of the Jagiellonian Library together with the collections of other Krakow libraries incorporated into it to a new building in the spring of 1941, or the State Library in Lublin opened a year later and containing book collections from other Lublin institutions. However, Estreicher's London co-workers pointed not only to the interference in whole book collections as such, but also to particular cases, since the collected cuttings often dealt with definite manuscripts, incunabula, early books, or books belonging to various Polish libraries or archives. When preparing the Polish résumés of those papers, it was often emphasised that the objects they described had been borrowed, for instance, to be shown at exhibitions. The latter can be understood, in my opinion, as a fear that the borrowed books or manuscripts, once the Germans were aware of their existence, could later be displaced and permanently removed from their home collections. Indeed, the Germans would systematically search through Polish collections, fishing out documents and books later displayed at exhibitions in Krakow or Warsaw, as I would like to present later in this text on the example of the exhibition *Book and the Sword*, organised in occupied Warsaw in the autumn of 1941.

3 K. Estreicher Jr, *Dziennik wypadków tom I 1939–1945*, Kraków 2001, p. 779.

PROPAGANDA DEPARTMENTS IN THE GENERAL GOVERNMENT AND THE GERMAN CULTURAL POLICY

Before talking about the exhibition itself, it is worth looking at the political and cultural context in which it was set. Such exhibitions of books and documents were namely mounted in the General Government by propaganda departments.⁴ Propaganda units were created in occupied Poland from the beginning of WWII; they dealt with issues related to press, publishing houses, and general culture. The administration of the General Government established in July 1940⁵ featured the 'Main Propaganda Department' (*Hauptabteilung Propaganda*) founded in Krakow, however, only the following year its precise structure was defined. According to the Administrative Ordinance of 7 April 1941, the Main Propaganda Department was composed of five offices: for administration, press, propaganda, culture, and film and radio.⁶ Soon, the joint film and radio office was divided into two separate units and, in 1942, another office was added for 'Writing and Nationality' (*Schrifttum und Volkstum*), responsible, e.g., for literary output.⁷ The Warsaw 'Department of People's Education and Propaganda' (as of 22 April 1941: the 'Propaganda Department') operated, in turn, at the Office of the Chief of the Warsaw District, being one of its 15 internal units.⁸

From the very beginning of the German occupation of Poland, propaganda departments played a key role in Nazi cultural policy. And so, e.g., the first person in charge of the Krakow Department,

4 A good overview of the structures and works of Propaganda Departments can be found in: L. Jochheck, *Propaganda im Generalgouvernement. Die NS-Besatzungspresse für Deutsche und Polen 1939–1945*, Osnabrück 2006, pp. 69–90 and 135–160 (chapters 'Strukturen' and 'Inhalte').

5 Ed. W. Präg, W. Jacobmeyer, *Das Dienstagebuch des deutschen Generalgouverneurs in Polen 1939–1945*, Stuttgart 1975, p. 257.

6 The exact title reads: *Verwaltungsanordnung Nr. 1 zur Verordnung vom 16. März 1941 über die Gliederung der Regierung des Generalgouvernements*. Vom 7. April 1941, quoted after: K. M. Pospieszalski, *Nazi Occupation 'Law' in Poland. Selected Documents. Part II The General Government*, Poznań 2019, p. 102.

7 L. Jochheck, *Propaganda...*, pp. 80–81.

8 D. Skorwider, 'Organizacja władz niemieckich na terenie Dystryktu Warszawskiego w latach 1939–1945', in: *Raporty Ludwiga Fischera. Gubernatora Dystryktu Warszawskiego 1939–1944*, eds. K. Dunin-Wąsowicz at al., Warszawa 1987, pp. 47–49. After the evacuation of the Office in July and August 1944, it operated in Łódź (ibidem, p. 52).

the journalist Max du Prel, perceived it as an 'idea carrier' (*Ideen-trägerin*) actively participating in political developments; meanwhile, Hans Frank, when bidding farewell to du Prel and welcoming his successor Erich Schmidt in July 1940, emphasised that the goal was to 'win *Lebensraum* (living space) for the German Motherland'.⁹ From the portrait of the Main Propaganda Department published on the first anniversary of forming the General Government, it can be deduced that its tasks, according to the phrasing used in the paper, not requiring any further explanation as to their actual intentions, included taking care of the Germans inhabiting the General Government, both in political and cultural aspects, covering e.g., running German book shops and libraries, informing the Polish population, the Germans in the Reich and outside its borders about the causes of the war and the course of warfare, and about the actual situation in the General Government, while also explaining the historical background justifying the leading role of Germany in the Vistula basin.¹⁰ It was particularly the latter point that was of great relevance for book and writing exhibitions.

Propaganda departments were thus supposed to take care of the proper implementation of the National-Socialist cultural policy on Poland's occupied territories, the policy whose foundations were to be found, according to Christoph Kleßman,¹¹ first of all in the conviction that German culture was superior to Polish, in relation to which he speaks of the 'dualism between forced actualising and destruction' (*'forcierte Aktualisierung und Destruktion'*).¹² The first symptom of this policy was the attempt to prove the thesis that all the forms and manifestations of culture found in occupied Poland were of German origin since they resulted from the impact or influences from

9 Quoted after: L. Jochheck, *Propaganda...*, p. 78.

10 'Die Propaganda-Zentrale des Generalgouvernements. Aufgaben und Arbeitseinsatz der Abteilung Volksaufklärung und Propaganda', *Warschauer Zeitung*, 1940, no. 254, p. 7.

11 Compare to the Nazi cultural policy: C. Kleßmann, *Die Selbstbehauptung einer Nation. Nationalsozialistische Kulturpolitik und polnische Widerstandsbewegung im Generalgouvernement 1939-1945*, Düsseldorf 1971, pp. 48-53.

12 *Ibidem*, p. 48.

Germany or stemmed directly from the activity of German creators of culture active in Polish territories. Attempts were also made to demonstrate that the Vistula basin had been originally inhabited by Germanic and not Slavic peoples. The second manifestation of the implementation of the assumptions of the German cultural policy, which was materially more destructive, was the plundering and displacing of Polish cultural goods or conscious destruction of libraries, archives, and museums, as well as a purposeful hindering of the activity of Polish artists, up to murdering them.¹³

As can be found in the *Cultural-political Guidelines* (*Kulturpolitische Richtlinien*) elaborated by the Department of People's Education and Propaganda as early as the spring of 1940, propaganda departments also actively contributed to Nazi cultural policy in occupied Poland. The document was first revealed, both in German and English, in the book *The Nazi Kultur in Poland*, published in London in 1945 thanks to the efforts of the Polish government in exile and to a substantial contribution of Estreicher and his office staff. According to Waclaw Borowy, who collected numerous materials for the book, the document comes from the Radzyn County in Eastern Poland; undated, it bears no address of the German office to which it was addressed, therefore its authenticity was questioned by Josef Bühler, Hans Frank's successor and Secretary of State of the General Government.¹⁴ However, the very cultural policy was indeed in line with these guidelines, so no doubts can be raised as to the document's authenticity.¹⁵

The ultimate goal of the guidelines¹⁶ was to precisely define what cultural life in the General Government should look like. Ac-

13 See e.g., P. Majewski, *Wojna i kultura. Instytucje kultury polskiej w okupacyjnych realiach Generalnego Gubernatorstwa*, Warszawa 2005, pp. 181–234 (chapter: 'Muzea, zbiory sztuki i architektura zabytkowa') and pp. 235–272 (chapter: 'Archiwa i biblioteki').

14 K. M. Pospieszalski, *Nazi Occupation 'Law'...*, p. 563, which prints the guidelines again.

15 Ibidem.

16 I based it on the first edition of the document, see: *The Nazi Kultur in Poland by several authors of necessity temporarily anonymous*, London, 1945, pp. 184–186.

cording to them, there should, first of all, occur a clear division between German and Polish culture, both factually: namely, the high cultural forms (opera, serious theatre, etc.) should be for Germans, while the low and commonplace ones (light comedies, cabarets, etc.) should be for Poles; and spatially, since German artists were not allowed to share the stage with Polish ones. There is also a separate point included in them related, according to the 'destruction' dimension mentioned by Kleßmann, to confiscation in book shops, publishing houses, and libraries. In consequence, it means that all the maps of prewar Poland, English and French dictionaries, Polish flags, as well as historical paintings showing known individuals should be withdrawn from circulation or submitted to the propaganda department if only wished so by them. Upon authorisation, Polish writers were permitted to publish their works, as long as they ranked among entertainment literature, while Polish literature found in private collections, book shops, or libraries, should, in turn, be confiscated in line with separate lists and submitted to propaganda departments.

Displays of books, archival documents, and other artefacts mounted by propaganda departments were a key element of Nazi cultural policy in the General Government, meant to demonstrate the creative impact of German culture and its supposed dominance over Polish culture, while at the same time confirming the affiliation of the occupied territories to the Third Reich. Furthermore, the way they were organised manifested a peculiar attitude of the aggressors to Polish collections, which were resorted to arbitrarily, depending on the Germans' needs. This is what two prominent employees of the Krakow and Warsaw Propaganda Departments, Heinrich Kurz and Karl Grundmann, say straightforwardly in relation to the Exhibitions *German Accomplishments in the Vistula Basin* (*Deutsche Leistung im Weichselraum*) held in Krakow and Warsaw in autumn 1940, the first event of the type. Kurtz, for example, writes about 'numerous exhibits borrowed from the collections of former Polish museums, serving as testimonies to German achievements', of which there were so many, both in public and private

collections, that in the course of the works on the Exhibition, a plan was conceived to consider them to be the ‘foundation of a future German museum’ in all the District capitals.¹⁷ Grundmann, in his turn, observed in the fascicle *Warschauer Kulturblätter* he edited and released together with the Exhibition, ‘a promising beginning’ for research into ‘numerous archivalia still to be found in the archives’, at the same time giving acknowledgements to Erich Weiss, head of the Archival Office of the District of Warsaw, for his assistance in reaching precious documents.¹⁸ It is, thus, clearly visible that while works were conducted on various exhibitions, there occurred numerous interferences in archival, museum, and library collections. This, in turn, aroused substantiated doubts about whether, once the exhibition ended, all the exhibits would return to their original places, even though formally they were only borrowed for the purpose of the display. This may be the reason why the above-mentioned paper by Kurtz can be found among the press cuttings collected by Estreicher’s London Office.¹⁹

The mentioned exhibitions were not only meant to legitimise the German occupation, but also to create a cultural offer for the Germans living on occupied Polish territories. They constituted a kind of encouragement to become more involved in German cultural life, which was continuously, at least as seen by propaganda departments, vulnerable to the Polish threat. Grundman wrote about it in the article describing two years of the work called ‘cultural reconstruction’ in Warsaw. With respect to the annual ‘Warsaw Culture Days’ (*‘Warschauer Kulturtage’*) towards whose or-

17 H. Kurtz, ‘Deutsche Leistung im Weichselraum’. Die Ausstellung als Grundstock künftiger Museen’, *Warschauer Zeitung*, 1940, no. 205, p. 4. See also: idem, *Ausstellung ‘Deutsche Leistung im Weichselraum’ vom 1. – 20. September 1940. Krakau Ausstellungsgebäude am Stephansplatz*, Buchdruckerei „Drukarnia Pospieszna“, Krakau 1940, pp. 3–4, where Kurtz emphasized that it was precisely the use of Polish collections as the grounds for the exhibition the was at the beginning of its concept.

18 K. Grundmann, [Przedmowa], *Warschauer Kulturblätter*, 1940, no. 2, unnumbered pages [=p. 6].

19 See Wycinki z prasy niemieckiej... za rok 1940, AAN, Call No.: 2/136/0/3/252, p. 28.

ganisation he greatly contributed, and which also included a book exhibition, he said, among others, as follows:

Since we have to be constantly aware of and continuously remember that Germans live here in a hostile environment, and that particularly here, in Warsaw, they are exposed to the danger from the alien nation which precisely here has concentrated its greatest forces . . . through several peak points it has to be shown over and over again how the treasury of our cultural life is endlessly rich, and how grand representatives of German art living in our times are. This is precisely the deepest sense of the Culture Days . . . , since they are not only to serve entertainment and fun, emphasising our uninterrupted bonding with the motherland, but they have to testify to German cultural accomplishments in general. Because of that they . . . should become for every German living here a commitment to all the more eagerly participate in and support the German cultural life developing here.²⁰

The cultural events held by Propaganda Departments, including book exhibitions, were thus very much in line with the Nazi cultural policy, particularly in view of the ‘forced actualisation’ spoken of above. Importantly, what was fished out of Polish collections in the first place were printed materials or documents in German, or closely connected with the individuals of German descent active in Poland. It must not be forgotten, however, that all the printed materials which were created, e.g., in Warsaw, comply with the assumptions permitting to consider them to be Polonica, both from the historical perspective, as by, e.g., Estreicher and the

20 K. Grundmann, ‘Zwei Jahre kultureller Aufbauarbeit in Warschau’, *Warschauer Kulturblätter*, 1941, no. 3, unnumbered pages [=pp. 44–45]. This commitment had a definite dimension, since the Governor of the Warsaw District issued a special circular that obliged all the employees of his Office to, e.g., participate in the opening of the ‘Warsaw Culture Days’ and all department heads to take part in the opening of the *Book and Sword* Exhibition in November 1941 – ‘Rundschreiben des Gouverneurs des Distrikts Warschau Nr. 123/41, betrifft: Regelung der Dienstzeit anlässlich der Deutschen Kulturtage in Warschau 1941’, in: *Okólniki i zarządzenia dot. organizacji i władz okręgu warsz., ustalenia cen, organizacji uroczystości kulturalnych 1941–1944*, State Archive in Warsaw, fonds: *Urząd Szefa Okręgu Warszawskiego*, Call No. 72/482/839 vol. 1, pp. 96–97.

contemporary one as well.²¹ Not entering here into a detailed discussion on the topic, it can be assumed that both the territorial criterion are met: owing to the place of their production, as are the ethnical or national ones, since the materials in question were produced by individuals connected both through their life and profession with Poland and who lived here. Besides, the copies that will be talked about in the present paper had belonged to Polish collections before 1939.

**ON TWO EXHIBITIONS: GERMAN STRUGGLE IN THE EAST
AND BOOK AND SWORD (1941)**

The *Book and Sword* Exhibition was organised in Warsaw in the autumn of 1941. It shared the concept with the Krakow Exhibition *German Struggle in the East*, and both were prepared by the Propaganda Offices in Krakow and in Warsaw, possibly in cooperation, therefore it seems justifiable to briefly discuss the Krakow display organised shortly before the Warsaw one.²²

**GERMAN STRUGGLE IN THE EAST
(KRAKOW 25 OCTOBER – 12 NOVEMBER 1941)**

In the Autumn of 1941, two exhibitions were mounted in two major cities of the General Government.

The first of them, titled *German Struggle in the East (Deutscher Kampf im Osten)*, was opened on 25 October by Hans Frank in the Krakow Cloth Hall (Sukiennice). The exhibition, held until 12 November, had been prepared in cooperation by various institutions: from the General Government, it was the Archives Directorate and

21 See in more detail: T. Makowski, 'Principles for developing the collections at the National Library of Poland', *Polish Libraries*, 2021, vol. 9, pp. 272–296 (in particular: 283–286) and: H. Mieczkowska, '„Polonicum” – definicja pojęcia, zakres doboru materiału, zastosowanie w bibliografii', *Z Badań nad Książką i Księgozbiorami Historycznymi*, 2015, vol. 9, pp. 21–30.

22 Book exhibitions had also taken place in previous years. The first one titled *German Achievements in the Vistula Basin (Deutsche Leistung im Weichselraum)* was held in Krakow and in Warsaw in September and October 1940, the second one was mounted on the occasion of the opening of the State Library in Krakow in April 1941.

the State Library in Krakow.²³ It was one of several events held in parallel which shared the title 'War Week of a Book' ('*Kriegsbuchwoche*'), organised in seven cities throughout the Reich, and which shared the motto 'Book and Sword' ('*Buch und Schwert*').²⁴ In all the cities, a similar formula was adopted for those exhibitions: a presentation of the contemporary book production was connected with the display of archival documents related to regional questions. And so, in Hamburg, the topic was 'Germany's Struggle for Its Global Importance' ('*Deutschlands Kampf um seine Weltgeltung*'); in Graz, it was 'Building and Shaping of the Danube Country' ('*Aufbau und Gestaltung des Donaumaums*'): the display contained documents related to German culture in south-eastern Europe.²⁵ In late November, the exhibition was shown in Warsaw, and later it was to travel to Lviv.²⁶ The Krakow and Warsaw exhibitions had a similar structure to those in other cities in the Reich, namely, on the one hand, they showed contemporary publishing production while, on the other, they displayed writing specimens referring to the city and region in which the exhibition was organised. It can thus be assumed that the regional part substantially differed in both cities, meaning that the same exhibition was not shown in Krakow and in Warsaw, as had been the case a year earlier with the *German Accomplishments in the Vistula Basin* ('*Deutsche Leistung im Weichselraum*').²⁷ In Krakow, the dis-

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- 23 'Die Grundsteine der deutschen Ostarbeit. Eröffnung der Ausstellung „Deutscher Kampf im Osten“ durch Dr. Frank und Staatssekretär Gutterer', *Warschauer Zeitung*, 1941, no. 252, p. 1.
- 24 'Deutscher Ostkampf im Spiegel alter Urkunden. Buchausstellung in Krakaus Tuchhallen - Eröffnung zur Buchwoche durch Dr. Frank', *Krakauer Zeitung*, 1941, no. 250, p. 5 and: 'Festliche Eröffnungskundgebung der Kriegsbuchwoche 1941', *Börsenblatt für den Deutschen Buchhandel*, 1941, no. 254, p. 374.
- 25 'Kriegsbuchwoche im ganzen Reich. Verbunden mit Dokumentenschau', *Warschauer Zeitung*, 1941, no. 254, p. 4.
- 26 '6000 Besucher in 19 Tagen. „Deutscher Kampf im Osten“ auch in Warschau und Lemberg', *Warschauer Zeitung*, no. 269/1941, p. 5. According to the article the exhibition was to be shown in Lviv several months later.
- 27 After Krakow, the exhibition was also shown in Radom, Lublin, and Warsaw - 'Deutsches Schaffen im Osten. Zu der Ausstellung am Krakauer Stephansplatz', *Warschauer Zeitung*, 1940, no. 207, p. 4 and: K. Grundmann, [Przedmowa], unnumbered pages [=p. 5]. In this fascicle (pp. 27-30), the programme of Culture Days can also be found.

play covered²⁸ 1,200 volumes and 180 documents: 30 of them came from the Reich, the rest having been acquired from the archives of the General Government, and a separate room was dedicated to the city itself. The oldest documents came from the 13th and 14th centuries; they included, e.g. the town's foundational charters of Magdeburg rights (thus German in the understanding of the Exhibition authors) of various towns, such as Krakow,²⁹ Wieliczka, and Sandomierz. Other documents were related to commercial law, e.g., the staple right granted to Krakow by Louis I of Hungary. Other displayed items were Krakow mediaeval citizen books, privileges and documents related to crafts, as well as other acts connected with the German settlement in Lesser Poland or in the later Austrian partition. The Warsaw Exhibition, in turn, displayed, e.g., the foundation charter of Warsaw based on the Chełmno Rights signed by Janusz I of Warsaw in 1413³⁰ and other legal documents, for example, the oldest Warsaw court register from the 15th century or commercial ones, e.g., guild registers (*Zunftbücher*)

It is highly likely, though it cannot be verified with certainty that the other part of the Exhibition was the same in Krakow and in Warsaw. According to the correspondent of *Krakauer Zeitung*, this part was 'essentially book-related',³¹ which can be understood in such a way that as much as in the regional part what dominated were archivalia, this part had books at its core. However, this part of the Exhibition also displayed books dedicated to the region, so in this respect, too, there may have been differences between the Krakow and the Warsaw variants. It is most likely that, first of all, local library resources were used, and books were not transported between the cities. The

28 Compare to all the information on the Krakow exhibition: *Deutscher Ostkampf...*, p. 5 and: 'Im Spiegel des Buches. Zur Ost-Ausstellung in Krakau', *Warschauer Zeitung*, 1941, no. 253, p. 3.

29 Reproduction of this document to be found in the article by E. Randt, 'Die Archive des Generalgouvernements', *Die Burg*, 1941, no. 1, [after p. 40]. The second part of the article was published in the second issue of the periodical (pp. 51-91), also in 1941.

30 Reproduction in: E. Randt, *Die Archive ...*, [after p. 40].

31 *Deutscher Ostkampf ...*, p. 5.

book part was dedicated mainly to the current German publishing production and covered both the selection of books printed in the Reich itself, and in the so-called German East, namely in the General Government, Silesia, the Baltic states, Southern Central Europe, and the Reichsgau Wartheland and Sudetenland.³² However, also older printed materials were displayed, even from the 18th century. Anyway, according to the above-quoted correspondent of *Krakauer Zeitung*, the book display tackled four main topics: ‘German struggle in the East in history’ (*deutscher Ostkampf in der Geschichte*), secondly, ‘Eastern territories as space for the German people’ (*Ostraum als deutscher Volksraum*), thirdly, ‘German culture in the struggle for eastern territories’ (*deutsche Kultur im Ringen um den Osten*), and fourthly, ‘epochal change and its realisation’ (*Zeitenwende und Erfüllung*).³³ And so the public could view both older books from previous centuries and those talking about contemporary times, e.g., events from the inter-war period, the 1939 September Campaign, and the first years of the General Government. How important these exhibitions in both cities were for the Nazi cultural policy in occupied Poland can be deduced from the words of Wilhelm Ohlenbusch, President of the Main Propaganda Office in the administration of the General Government, delivered during the Warsaw opening. He thus turned to ‘German academics and writers’ to help:

to gain the East and remind the people of the richness of German cultural accomplishments on these territories in the past, so that later whatever the German sword wins in the East, could find its expression in the German book.³⁴

BOOK AND SWORD (WARSAW 27 NOVEMBER – 7 DECEMBER 1941)

In Warsaw, the Exhibition could be seen from 27 November till 7 December 1941 in the rooms of the Zachęta Gallery in Królewska Street, at the time ‘Königsstraße’. It was shown as a part of sub-

32 Im Spiegel des Buches..., p. 3.

33 Deutscher Ostkampf ..., p. 5.

34 Der Osten ein Zukunftsland..., p. 5.

sequent 'German Culture Days'; its title, *Book and Sword* (*Buch und Schwert*), referred to the motto of the book weeks before taking place throughout the whole Reich.³⁵ The Exhibition was mounted by the Warsaw Propaganda Department and the Nazi Party's Propaganda Office, with a particular contribution by the above-mentioned Karl Grundmann, thanks to whom, according to the *Warschauer Zeitung's* correspondent, the Exhibition could be so sumptuous.³⁶

Differently from the Krakow version, in whose case we can find several pieces of information with respect to the shown exhibits from press releases, in the case of the Warsaw *Book and Sword* Exhibition, we can rely merely on contemporary archival materials. Both in the National Library Archives and the University of Warsaw Library Archives, thus the libraries which were incorporated into the State Library in Warsaw (*Staatsbibliothek Warschau*), extensive lists of books lent for the display have been preserved.³⁷ It is those lists that allow us, to a great degree, to identify the publications which were presented at the Warsaw display. However, at the same time, and I will retackle this issue further below, there can be some doubts whether the discussed lists, although including in total of 343 items, cover all the books presented in Warsaw. For example, there are no such lists containing special collections which, in harmony with *Ordinance No. 1* issued by Wilhelm Witte on 19 February that year³⁸ specifying the new structure of the War-

35 See 'Programm der Warschauer Kulturtage. Ein Aufruf an das Deutschtum in Warschau - Tagesplan der Veranstaltungen', *Warschauer Zeitung*, 1941, no. 277, p. 7.

36 'Warschaus ältestes deutsches Schrifttum ausgestellt. Aufschlußreiche Dokumente in der Buchausstellung - Ein »General-Juden-Reglement« aus dem Jahre 1797', *Warschauer Zeitung*, 1941, no. 285, p. 5.

37 I would like to take this opportunity to sincerely thank the employees of those archives for their exceptionally friendly assistance provided to me in the course of my preliminary research: I am extremely grateful to Ms Maria Remisz and Mr Tomasz Mińko of the National Library Archives as well as to Mr Mareki Świeżewski of the University of Warsaw Library Archives, and to Ms Hanna Wiejacz of the Department of Amassing and Complementing National Library Collections for her consultations related to call numbers.

38 W. Witte, *Verfügung Nr. 1.* - University of Warsaw Library Archives, fonds IX Biblioteka Uniwersytecka 1939-1945 - polska dyrekcja, *Korespondencja otrzymana 1940-1941*, Call No. Arch. BUW IX/4, p. 40.

saw State Library, were placed in the edifice of the Krasiński Library in Okólnik Street. By the time the Exhibition was held, i.e., autumn 1941, many early books, among others, had been transferred there from the National Library.³⁹

The *List of Books and Periodicals Borrowed from the State Library, Branch II, at 6 Rakowiecka Street for the Book and Sword Exhibition* contains 213 items: 201 books and 12 papers or periodicals enumerated with their call numbers.⁴⁰ As can be read in a separate letter, all the copies were collected on behalf of the Propaganda Department by Karl Dietrich on 22 November 1941.⁴¹ What can be found surprising, though, is the fact that a substantial majority of the borrowed publications come from the 1930s – many items even from 1939–1941 – therefore they must have been strongly underpinned by Nazi ideology. There are very few titles older than, e.g., the 19th century or early books from before 1800. As for the topics of the borrowed books, papers, and magazines, the four categories enumerated above by the *Krakauer Zeitung* correspondent can serve as some guidance.⁴² However, bearing in mind that many listed titles match more than one category, it seems more appropriate to simply divide them into three groups: the first being books dealing with Poland's history or culture and Polish-German relations, both from the historical and contemporary perspective, the second containing books talking about the fights conducted by Ger-

39 See A. Meżyński, 'Zbiory na Okólniku. Wrzesień 1939 – październik 1941', in: *Droga do Okólnika 1844–1944*, ed. H. Tchórzewska-Kabata, Warszawa 2005, pp. 127–145 and: Idem, *Biblioteki Warszawy w latach 1939–1945*, Warszawa 2010, pp. 163–182. It is thus possible that further preliminary research will allow us to find also other lists of the type.

40 Verzeichnis der von der Staatsbibliothek Warschau, Abt. II, Rakowiecka Str. 6 für die Ausstellung „Buch und Schwert“ entliehenen Bücher und Zeitschriften – National Library Archives, pre-war fonds, Różne. Spisy książek wycofanych, „antyniemieckich“, przeznaczonych na wystawę, braków. Przekazywanie druków między Oddziałami I, II i III Biblioteki Państwowej w Warszawie (spisy). Informacje naukowe 1939–42, call no. 83, no page given. All the respective item numbers refer to this very list.

41 Ibidem, no page given.

42 These were: 'German struggle in the East in history', 'Eastern territories as space for the German nation', 'German culture in the struggle for Eastern territories', and 'Epochal change and its realisation'.

man troops on Polish territories, seen both historically and from the contemporary perspective.⁴³ The third group included German translations of Polish literature or dissertations of German scholars dealing with Polish literature studies.

The most numerous group, containing in total 113 titles, namely more than half, encompasses books from the first of the above categories. They are, e.g., books by German authors on Poland's history or its particular political, economic, and sociological aspects. The examples being the studies by Albert Brackmann, *On the Beginnings of the Polish State* from 1934 (item 20),⁴⁴ or by Wilhelm Arenz, *On Polish-Russian Relations in 1918-1920* (item 3), published in Leipzig in 1939.⁴⁵ Among this group, there are also books by Richard Perdelwitz, from 1939, *On Poles in the World War and International Politics* (item 132),⁴⁶ Fritz Weigelt on the *Central Industrial Region* (item 28) published in Gdansk in 1938,⁴⁷ or by Friedrich Schinkel titled *Poland, Prussia, and Germany: the Polish Question as a Challenge to the Development of the Prusso-German National State* from 1931 (item 162).⁴⁸ There are several titles related to the German minority and German and Germanic settlements on the historical territories of Poland, e.g., Hans Jänichen's *On Vikings in the Vistula and Oder Basins* from 1938 (item 83)⁴⁹ or the *History of the German Vistula Catchment* by Erich Keyser from 1940 (item 91).⁵⁰ As exemplary works from the history of folk literature and art, we can mention the collections of *Tales*

43 In a way these two groups are adequate to those mentioned by the correspondent, since in his article the first group was made up by the books related to 'Eastern territories as space for the German nation' and 'German culture in the struggle for Eastern territories', the second, in turn, by the books related to 'German struggle in the East in history' and the 'Epochal change and its realisation'.

44 A. Brackmann, *Die Anfänge des polnischen Staates*, Berlin 1934.

45 W. Arenz, *Polen und Russland 1918-1920*, Leipzig 1939.

46 R. Perdelwitz, *Die Polen im Weltkrieg und die internationale Politik*, Leipzig 1939.

47 F. Weigelt, C.O.P.: *das Zentrale polnische Industrieviertel*, Danzig 1938.

48 F. Schinkel, *Polen, Preussen und Deutschland: die polnische Frage als Problem der preussisch-deutschen Nationalstaatsentwicklung*, Breslau 1932.

49 H. Jänichen, *Die Wikinger im Weichsel und Odergebiet*, Leipzig 1938.

50 E. Keyser, *Geschichte des deutschen Weichsellandes*, Leipzig 1940.

and *Fairy Tales from Upper Silesia* or *Upper-Silesian Folk Costumes*, both by Elisabeth Grabowska from 1932 and 1935, respectively (items 57 and 58).⁵¹ There is also the study by Günther Grundmann on *German Art in Liberated Silesia* from 1941 (item 60).⁵²

The second group: the military- and war-related works, contains in total 83 titles, of which as many as 71 tackle the 1939 September Campaign and the establishment of the administrative structures on the occupied territories. Here, we will find titles of the type: *Victory in the East. Reports on the Fights of the Folk German Troops in Poland* by Friedrich Heiss from 1940 (item 72)⁵³ and many other works of the type. Only a small portion of the books (12 titles) focus on wars from the past, e.g., books on the Teutonic Knights, e.g., Karl Heidenreich's dissertation on the *German Order in the New March* from 1932 (item 71),⁵⁴ or WWI: e.g., *Western-Galician Tombs of Heroes from 1914–1915* by Rudolf Broch and Hans Hauptmann published in Vienna and Krakow in 1918 (item 24).⁵⁵

The third and smallest group: featuring 17 titles, is composed of translations of Polish literature into German, consisting mainly of the translations of the classics, such as Kochanowski, Mickiewicz, or Krasiński, or works by German authors about Poland, e.g., Herbert Kranz's story from 1941 called *Achilles' Son in Warsaw* (item 100).⁵⁶

Following in the footsteps of Estreicher and his colleagues' interests, who perceived such exhibitions as interferences in the collections of Polish libraries, potentially leading to the permanent exclusion of the borrowed items from their genuine collections, one can indeed identify three categories as seen in a representative analysis of the respective items on the list: the first being the cop-

51 E. Grabowski, *Sagen und Märchen aus Oberschlesien*, Breslau 1932 and: *Die Volkstrachten in Oberschlesien*, Breslau 1935.

52 G. Grundmann, *Deutsche Kunst im befreiten Schlesien*, Breslau 1941.

53 F. Heiss, *Der Sieg im Osten: ein Bericht vom Kampf des deutschen Volksheeres in Polen*, Berlin 1940.

54 K. Heidenreich, *Der Deutsche Orden in der Neumark*, Berlin 1932.

55 R. Broch/ H. Hauptmann, *Die Westgalizischen Heldengräber aus den Jahren des Weltkriegs 1914–1915*, Wien/ Krakau 1918.

56 H. Kranz, *Der Sohn des Achill in Warschau*, Berlin 1941.

ies which remain in the collection of the National Library (at the time: Branch II of the State Library in Warsaw), the second constituted by the titles which are actually found in that collection, but which, however, were re-acquired following WWII, either purchased, donated, or as a result of an exchange, thus demonstrating that the genuine copy had disappeared; the third category being the books which are no longer in the collection.

Let me give some examples: the National Library continues to possess in its collection the copy (item 11) of the book by Hans Wilhelm Beck, *Poland's Progress* returned then; not only does the book feature the same call number, but also the pre-WWII stamp of the Józef Piłsudski National Library and that of the Staatsbibliothek II Warschau; the note on the last page tells us that the copy was bought and catalogued already in 1938.⁵⁷ The same can be said with respect to Dietrich Bohnsack's book *The Burgundians in Eastern Germany and Poland in the Last Century before Christ* (item 17), with the only difference being that it reached the Library already in the course of the war: in 1941. It was then that it received its call number, which it has borne to this very day.⁵⁸ The next title from the list also constitutes an interesting case of a book which continues in the collection of the National Library: it is the first edition of the story *Totenmesse* (namely 'Requiem') by Stanisław Przybyszewski from 1893.⁵⁹ The copy lent for the Exhibition bears call no. 'Hor. 26.823' visible on the last page, next to two stamps: of the National Library and Staatsbibliothek Warschau, having originally come from the Galician Poniński Horyniec Library, donated to the National Library in 1925.⁶⁰ We can also name the example of one of

57 H. W. Beck, *Polens Aufstieg*, Berlin 1938, Call No. BN 304.482/3.

58 D. Bohnsack, *Die Burgunden in Ostdeutschland und Polen während des letzten Jahrhunderts v. Chr.*, Leipzig 1938, Call No. BN 304.728/4.

59 A partial Polish edition titled *Requiem aeternam...* was published by Lviv's Księgarnia Polska in 1904.

60 S. Przybyszewski, *Totenmesse*, Berlin 1893, call no. BN II 486.248. The National Library also owns the second copy of the book which was donated to the Library in 1942, and which is now available on Polona: <https://polona.pl/preview/fec-6cb34-17d7-4b5e-b5df-61c3c3aa415e> [Accessed 20 April 2023].

the scarcer older titles from the list which enjoyed continuity in the collection of the National Library. The titles in question are five anonymous essays on Poland from 1831 (items 141, 150, 160, and 178) bound as one volume.⁶¹ The first of the essays can also be found on Polona,⁶² as can be seen, this very copy comes originally from the Rapperswil collection, and before the war, it had also belonged to the National Library, this testified to by an appropriate stamp. Interestingly, it can be verified that the copy was repurchased in 1976 from the Museum of Literature in Warsaw. The next item is also of interest: it is a monograph authored by Vasil Kučabs'kij, assigned by the Germans to serve as the Director of the State Library in Lublin, *Western Ukraine in the Struggle against Poland and Bolshevism in 1918–1923*, published in Berlin in 1934 (item 104). The copy displayed in Warsaw is still in the collection of the National Library, continuing to feature the same call number, but there is also another copy of the work which reached the Library already in the course of the war, whose call number from that time was, however, changed following WWII.⁶³

There are many cases in which the title borrowed in 1941 for the Exhibition continues in the collection of the National Library, though in a different copy. For example, Hermann Aubin's study *Historical Overview of the Eastern Space* from 1940 is today available in two copies, both of which, however, reached the Library as dona-

61 Polen, wie es war und ist, Hamburg/Itzehoe 1831, Call No. BN I 80.170; Die Schicksale Polens seit der ersten Theilung 1772 bis zur Russischen Oberherrschaft, Altenburg 1831, Call No. BN I 80.171; Deutschlands Zukunft, Altenburg 1831, Call No. BN I 80.172, Ueber die polnische Frage, Paris 1831, Call No. BN I 80.173 and Resultate des Wiener Congresses in Bezug auf Polen, Neu-Ruppin und Gransee 1831, call no. BN I 80.174. The list of the borrowed books does not contain Deutschlands Zukunft, however, it seems highly unlikely that these essays were bound into one 'lump' only after WWII.

62 *Resultate des Wiener Congresses in Bezug auf Polen*, Neu-Ruppin und Gransee, call no. BN I.864.466, accessible at: <https://polona.pl/preview/cf6db200-1946-4ad7-8226-9686b6de0f47> [Accessed 20 April 2023].

63 V. Kučabs'kij, *Die Westukraine im Kampf mit Polen und dem Bolschewismus in den Jahren 1919–1923*, Berlin 1934, Call Nos. BN. 304.145/8 (the Exhibition copy) and BN 305.680.

tions only in 1949, while the copy from the list is missing (item 4).⁶⁴ A similar situation applies to Carl Budding's book *The Polish Corridor as a European Problem*, lent for the Exhibition in its 1933 edition (item 25); in this case, too, the National Library boasts two copies in its collection, which were donations from after the war: 1949 and 1950.⁶⁵ Furthermore, there is an interesting story connected with another title, namely the autobiography of Courland's diplomat Heinrich Heyking, titled *From the Last Days of Poland and Courland*, published in Berlin in 1897 (item 74). It is listed with the borrowed books featuring Call No. 'SGH 64023', which means that the copy was at the time in the collection of the SGH Warsaw School of Economics. During the occupation, when the School remained closed down, its book collection stayed intact on site, yet it somehow remained, as phrased by Andrzej Mężyński, 'under the auspices of Branch II of the State Library'⁶⁶ which, after all, also operated in the SGH building housing a substantial part of its book collection. However, the presence of this copy on the list demonstrates that the Germans also resorted to the SGH collection. As a matter of fact, the book continues in this collection, featuring actually the same call number.⁶⁷ The National Library, in turn, is in possession of two copies of this publication, also boasting interesting provenance: the first one⁶⁸ was once in the Krasinski Library's collection,⁶⁹ while

64 H. Aubin, *Geschichtlicher Aufriss des Ostraums*, Berlin 1940, Call No. BN 301.736 and BN 301.737.

65 C. Budding, *Der polnische Korridor als europäisches Problem*, Danzig 1933, Call Nos. BN II 356.456 and BN II 633.516. The latter of them is available on Polona: <https://polona.pl/preview/f0788646-17aa-440c-839f-a95fb84404b9> [Accessed 20 April 2023].

66 A. Mężyński, *Biblioteki Warszawy...*, p. 132.

67 K. H. Heyking, *Aus Polen und Kurlands letzten Tagen*. Memoiren d. Baron Karl Heinr. Heyking, Berlin 1897, Call No. SGH 64.023.

68 *Aus Polens und Kurlands letzten Tagen*. Memoiren des Baron Karl Heinrich Heyking (1752-1796), Berlin 1897, call no BN II 2.022.873.

69 Despite the fact that the Krasinski Library was set on fire in October 1944 by the Germans, this very copy survived, possibly because in compliance with Witte's mentioned Ordinance of 19 February 1941 dealing with the structure of the Warsaw State Library, together with about 29,000 foreign-language works, it was transported from the Krasinski Library to the University of Warsaw Library, namely to Branch I of the Warsaw State Library (see A. Kałudzka, 'Zbiory dawnej Biblioteki Ordynacji Krasieńskich w Bibliotece Narodowej', *Z Badań nad*

the second, presently available on Polona,⁷⁰ was at the time in the collection of the City Library in Königsberg, earlier having belonged to a certain Prof. Seraphim. The professor in question may have been Ernst Seraphim (1862--1945), a historian and a Königsberg teacher, or his son Peter-Heinz Seraphim (1902--1979), also an academic, active, e.g., as an expert in Jewish issues at the Krakow Institute for German Work in the East (*Institut für Deutsche Ostarbeit*). A similar situation happened in the case of the work by Julius Pflugk-Harttung, *Mayor of the City and President of the Police Tilly and the State of Affairs in Warsaw in Prussian times 1799–1806* published in Gdansk in 1914 (item 136). The Exhibition copy, with the pre-war stamp of SGH and Call No. SGH 1315 is still to be found in the SHG Library.⁷¹ Today, also, the National Library has one copy of the work available on Polona: it once belonged to the State Museum of the History of Gdansk (*Staatliches Museum für Danziger Geschichte*) and was purchased on the antiquities market in 1972.⁷²

In this case it is hard to tell whether the National Library had possessed that title already before the war. In another one it is known that only after many years the given title, previously in its

Polskim Księgozbiorem Historycznymi, 1986, vol. 9 *Fragmety i rekonstrukcje*, p. 129 and: A. Mężyński, *Biblioteki Warszawy...*, p. 172). Immediately after the war, the Krasieński Library collection, which survived, among others, in this way, reached the National Library, including e.g., about 75,000 volumes of Polish and foreign printed materials, see. A. Kałudzka, *Zbiory dawnej Biblioteki...*, pp. 129–130, eadem, 'Biblioteka Krasieńskich w zbiorach Biblioteki Narodowej', *Sesje Warszawianistyczne*, 1996, fascicle 6, *Historyczne księgozbiory Warszawskie II*, p. 10 and: eadem, 'Kolekcja druków zwartych nowszych ze zbiorów BOK', *Biuletyn Informacyjny Biblioteki Narodowej*, 2002, no 4/163, p. 20. A. Kałudzka's mentioned papers characterise the collections of the Krasieński Library within the structure of the National Library and describe the ways of cataloguing them.

- 70 *Aus Polens und Kurlands letzten Tagen. Memoiren des Baron Karl Heinrich Heyking (1752–1796)*, Berlin 1897, Call No BN 787.100 A; available at: <https://polona.pl/preview/6daa8f84-9aca-42c4-acb2-ede6f55f03b8> [Accessed 20 April 2023].
- 71 J. v. Pflugk-Harttung, *Der Stadt- und Polizeipräsident v. Tilly und die Zustände in Warschau zur preußischen Zeit 1799–1806. Ein Kulturbild, Danzig 1914*, Call No. SGH 1315.
- 72 J. v. Pflugk-Harttung, *Der Stadt- und Polizeipräsident v. Tilly und die Zustände in Warschau zur preußischen Zeit 1799–1806. Ein Kulturbild, Danzig 1914*, Call No. BN 812.612 A - <https://polona.pl/preview/e260d83c-3ca2-4129-9120-42b7ad66e467> [Accessed 20 April 2023].

collection, was once again acquired. As an example, let us quote the above-mentioned publication by Elisabeth Grabowska, *Tales and Fairy Tales from Upper Silesia*. It can be seen from the discussed list that the Library had its second edition from 1932 (item 57), meanwhile, the antique purchase of the National Library in 2004 brought into its collection the first 1922 edition, the copy having once belonged to the Lviv architect and art historian Jan Sas Zubrzycki.⁷³ Furthermore, it was after many years that the Library regained the stories by Rudolf Vogel, e.g., *The Boy from the Borderland in Blitzkrieg* from 1940 (item 182), which, however, are not certain to have been displayed at all.⁷⁴ The National Library succeeded in 2000 in obtaining that book as an antique purchase: it had previously belonged to the Folk City Library in Litzmannstadt and was taken over by the Lodz Ludwik Waryński City Library in operation from 1949 (until 1990), which, as it seems, did not incorporate it into its collection, but allocated it to the ‘market circulation’.⁷⁵ As for other Exhibition items missing in the National Library collection, let us mention the book *Eastern Europe and German East* by Otton Hötzsch, published in Königsberg in 1934, on the list bearing Call No. II 41.16 (item 77). Thanks to exchanges, the Library now owns two other copies:⁷⁶ the first was acquired from the Gdansk Library of the Polish Academy of Sciences in 1970, which had got it from the Technological University in Gdansk (*Technische Hochschule Danzig*), and the second from the Central Military Library in 2013; the latter one had once been in the Library of the Office of the Gen-

73 G. [sic!] Grabowski, *Sagen und Märchen aus Oberschlesien*, Breslau 1922, Call No. BN 1.417.359 A.

74 By every item on the list of the borrowed books there is a little tick on the left, however, next to Vogel’s book there are only letters ‘br’, standing for ‘missing’. Since the list is dated 22 November 194, and it is the same date on which Dietrich collected all the books, as said above, it is likely that he ticked each copy he received. Therefore, it can be assumed that Vogel’s book did not go to the Exhibition at all.

75 R. Vogel, *Grenzerjunge im Blitzkrieg*, Stuttgart 1940, Call No. BN II 1.416.685 A.

76 O. Hötzsch, *Osteuropa und Deutscher Osten: kleine Schriften zu ihrer Geschichte*, Königsberg Pr. 1934, Call Nos. BN 1.518.045 and BN 794.248 A.

eral Governor and is now available on Polona.⁷⁷ Another copy missing is that of the book by Hugon Socnik *Danzig – Western Prussia: German Cultural Land*, published in Gdansk in 1940, which, according to the list, bore Call No. III 41.584/3. Today, the National Library again boasts two copies, which, however, were purchased only in 1984 and 1994, respectively.⁷⁸

Finally, the discussed list also contains a number of titles which are missing for good from the collection of the National Library. They can sometimes still be found in its catalogue, however, without their own call numbers, like Paul Haake's tragedy *Christiane Eberhardine and Augustus II the Strong* (item 61)⁷⁹ or the above-mentioned dissertation by Karl Heidenreich on *The German Order in New March* from 1932 (item 71).⁸⁰ Another book that is missing in the Library's catalogue is the historical novel by Gregor Samarow, *Under the White Eagle (Unter dem weissen Adler)*; item 155),⁸¹ and the volume *Encounters (Die Begegnung)* with short stories by August Scholtis (item 164) from 1940.⁸² Missing items can also be found among the lent out papers or magazines: today, the National Library does not have the first two issues of *Grodner Zeitung (Grodno Daily)* from 1915, which were lent for the Exhibition (item 209), and

77 Available at: <https://polona.pl/preview/285fc989-458b-4db0-8602-eab88ee4fed7> [Accessed 21 April 2023].

78 H. Socnik, *Danzig-Westpreussen : ein deutsches Kulturland : bildende Kunst, Schrifttum, Musik, Danzig 1940*, Call Nos. BN 1.587.122 and BN 1.475.572 A.

79 P. Haake, *Christiane Eberhardine und August der Starke*, Dresden 1930, see https://katalogi.bn.org.pl/discovery/fulldisplay?docid=alma9910323230029705066&context=L&vid=48OMNIS_NLOP:48OMNIS_NLOP&lang=pl&search_scope=MyInstitution1&adaptor=Local%20Search%20Engine&tab=BN&query=any,contains,haake%20august%20der%20starke&offset=0 [21 April 2023]; former Call No. BN II.41.132.

80 K. Heidenreich, *Der Deutsche Orden in der Neumark 1402-1455*, Berlin 1932, see https://katalogi.bn.org.pl/discovery/fulldisplay?docid=alma991032323199705066&context=L&vid=48OMNIS_NLOP:48OMNIS_NLOP&lang=pl&search_scope=MyInstitution1&adaptor=Local%20Search%20Engine&tab=BN&query=any,contains,deutsche%20orden%20in%20der%20neumark&offset=0 [Accessed 21 April 2023]; former Call No. BN II.41.125/5.

81 G. Samarow, *Unter dem weissen Adler*, Berlin 1939, former Call No. BN I.41.1268.

82 A. Scholtis, *Die Begegnung: zwei Erzählungen*, Darmstadt 1940, former Call No. BN I.41.611.

the collection begins with issue three.⁸³ Other elements missing are the ten issues from 1934 and 1935 of the periodical *Der deutsche Lehrer in Polen* [German Teacher in Poland] published in Łódź (item 203). An interesting case is that of *Warschauer Abendblatt* [Warsaw Nightly Paper] published in 1826–1827 (item 201), not present even in a single issue in the Library's collection today. This was the paper Erich Roeckner dedicated a short essay to in *Warschauer Kulturbblätter*, edited by Grundmann, in which we can also find the reproduction of the front page of the first issue of *Warschauer Abendblatt*.⁸⁴ Regrettably, it is impossible to identify the library which owned that issue, though it is likely that it came from the University of Warsaw Library, which still has this title in its collection, including the first issue'.⁸⁵

A similar list has been preserved in the Archives of the University of Warsaw Library; the *List of Books and Periodicals of Branch I of the State Library, former University Library, Borrowed for the Sword and Book [sic!] Exhibition*, contains slightly fewer items than the list of borrowings from Branch II since it contains in total 126 books and 4 newspapers, together with their call numbers.⁸⁶ The list is dated 24 November 1941: that was the day when someone collected the books and submitted the commitment to return them within a week after the closure of the Exhibition. Unfortunately, that person signed the document only with the initials, but maybe it was Karl Dietrich who did it, just like with the other batch, which is

83 *Grodnoer Zeitung: amtliches Organ für die Militär- und Zivilverwaltung*, Call No. BN P 310.139 A.

84 E. Roeckner, 'Ein „Warschauer Abendblatt“ vor 120 Jahren', *Warschauer Kulturbblätter*, 1943, no. 5, unnumbered pages [= after p. 46].

85 See <https://chamo.buw.uw.edu.pl/lib/item?id=chamo:704613&fromLocation-Link=false&theme=system> [Accessed: 21 April 2023].

86 *Liste der Bücher u. Zeitschriften der Staatsbibliothek Abt. I. ehem. Universitätsbibliothek Warschau, welche für die Ausstellung „Schwert und Buch“ ausgeliehen wurden* - University of Warsaw Library Archives, fonds IX Biblioteka Uniwersytecka 1939–1945 - polska dyrekcja, Korespondencja otrzymana 1940–1941, Call No. Arch. BUW IX/4, s. 240–243. All the numbers given in the text relate to this list. In the same portfolio, on pp. 244–247, there is another identical copy of the list; another one, also identical, to be found in the portfolio: Korespondencja wychodząca 1941, Call No. Arch. BUW IX/9, b. str.

likely.⁸⁷ As distinct from the above-discussed books from the National Library, among the books borrowed from the University of Warsaw Library more older books can be found, both from the 19th century, but also even early books from before 1801. There are, instead, few titles from the time of the war and occupation. And although German books dominate among them, there are also six titles in French.

Furthermore, the thematic range of the books borrowed for the Exhibition from the old Branch I of the State Library is similar to the previous list. And so, among them, 9 titles tackling German military science and the struggles fought by German troops can be found, e.g., the study of Heinrich von Zeissberg on the *Wars Fought by Henry II against Duke Boleslaus I of Poland*, published in Vienna in 1868 (item 46).⁸⁸ Apart from that, there are titles related to German Teutonic Knights, such as the book by Wojciech Kętrzyński from 1904, *The German Order and Konrad of Mazovia* (item 65)⁸⁹ or to WW I, e.g., *Manual for the General Government of Warsaw* published by 'Deutscher Verlag' [German Publishing House] in Warsaw and Poznan in 1917 (item 82).⁹⁰

Ten of the titles can be regarded as German translations of Polish literature. Apart from authors such as Mickiewicz or Wyspiański, we have the translation of Ignacy Krasicki's *Mousesey*, published by Michał Groell in Warsaw and Leipzig in 1790 (item 120).⁹¹ There is also the record of the *Trip across Poland and France* by Richard Spazier from 1835 (item 97),⁹² as well as books for learning German, among which mention should be made of the textbook by Jakub Elzenberg

87 Ibidem, p. 240. In these initials only the letters: 'K' and 'D' can be identified.

88 H. von Zeissberg, *Die Kriege Heinrich's II. mit Herzog Boleslaw I. von Polen*, Wien 1868.

89 W. Kętrzyński, *Der deutsche Orden und Konrad von Masovien 1125–1235. Eine Studie*, Lemberg 1904.

90 *Handbuch für das Generalgouvernement*, Warschau/ Posen 1917.

91 I. bp Krasicki, *Die Maeuseade in zehen Gesaengen. Eine freye Uebersetzung des komischen Helden=Gedichts Myszeis von einem beruehmten Polnischen Dichter*, Warschau und Leipzig 1790.

92 R. O. Spazier, *Ost und West. Reisen in Polen und Frankreich*, Stuttgart 1835.

published in Warsaw in several editions, the first from 1854 (item 109).⁹³ Coming from an affluent Jewish family in Warsaw, the author was strongly involved in helping out the Jewish community, opting for closer ties between Poles and Jews; additionally, he taught Polish, and translated from French into Polish.⁹⁴ Nevertheless, even his primer was supposed to testify to a rich and culture-creative impact of German on the history of Warsaw. The list also contains copies of four 19th-century newspapers: from Russia (*St. Petersburgische Zeitung* and *Allgemeine Deutsche Zeitung für Russland*) and from cities in Livonia (*Rigasche Zeitung* and *Dörptsche Zeitung*).

The biggest group: 108 out of 130 titles, is composed of books about Poland's history, together with those about politics or sociology, and Polish-German relations, including the studies tackling the history of German settlement and of the German minority in Poland, as well as titles talking about the history of culture and art of Poland and East-Central Europe. They are both contemporary and older publications from the 19th and 18th centuries. Among them there are many titles related to Polish-German relations, e.g., the book called *Germany and Poland: Papers on Their Historical Relations* (item 60)⁹⁵ edited by Albert Brackmann, whose two books were borrowed from Branch II as well, but also titles like *German Minority in Poland* by Zygmunt Stoliński published in German in Warsaw in 1928 (item 54)⁹⁶ or: from the opposite perspective and in the literal translation: *De-Germanizing of Western Prussia and Poznan, Ten Years of Poland's Policy* by Hermann Rauschnig from 1930 (item 56).⁹⁷ Furthermore, there is a whole series of titles, as

93 J. Elzenberg, *Erstes Lese- und Sprachbuch für den Schreibleseunterricht*, Warschau 1854. It cannot be deduced from the list of the borrowed books which edition was shown at the 1941 Exhibition.

94 Z. Borzymowska, 'Elzenberg (Elsenberg) Jakub', in: *Polski Słownik Judaistyczny*: <https://delet.jhi.pl/pl/psj?articleId=13721> [Accessed: 21 April 2023].

95 Ed. A. Brackmann, *Deutschland und Polen. Beiträge zu ihren geschichtlichen Beziehungen*, Berlin 1933.

96 Z. Stoliński (precisely Z. Kalkstein), *Die deutsche Minderheit in Polen*, Warszawa 1928.

97 H. Rauschnig, *Die Entdeutschung Westpreussens und Posens. 10 Jahre polnischer Politik*, Berlin 1930.

many as 13, containing publications in French: related to Gdansk, its history, and also its status following WWI. Thus, among them, we can find *The Gdansk Chronicle* by Caspar Weinreich, published in Berlin in 1855 (item 9),⁹⁸ and a French essay by Louis Bessière: *On Regulating the International Situation of the Free City of Gdansk (1918–1930)* from 1930 (item 29).⁹⁹ The author interested in the context of Polish–German relations is Wojciech Kętrzyński, from whom as many as three titles can be found on the list, which may surprise in the case of the author who rejected his German identity for the sake of the Polish one. All the more so, since apart from the study on Konrad of Mazovia mentioned above and the one on *The Lugi* (item 73),¹⁰⁰ Kętrzyński's poetry collection was also borrowed: *From the Book of a Germanized Man* (*Aus dem Liederbuch eines Germanisierten*) in which the author opts for his Polish identity (item 93). As claimed by Eugeniusz Pauksta, following its second edition in 1883, this collection was systematically bought out from book shops by Prussian and Austrian agents, while during the occupation, the Gestapo were after it.¹⁰¹ It remains unknown whether the University of Warsaw Library was in possession of the first edition (Lviv 1883) or of the 1938 second one,¹⁰² still, today, it is no longer to be found in the Library's collection.

In the *Book and Sword* Exhibition, particular attention was paid to the history of the Warsaw printing business and its book trading, which were tackled since they were associated with such names as Paulus Fabricius or Michael Gröll, entirely immersed in the tradi-

98 Caspar Weinreich's *Danziger Chronik. Ein Beitrag zur Geschichte Danzigs, der Lande Preussen und Polen, des Hansabundes und der Nordischen Reiche*, Berlin 1855.

99 L. Bessière, *Essai sur le règlement de la situation internationale de la ville libre de Dantzig*, Agde 1930.

100 W. Kętrzyński, *Die Lygier. Ein Beitrag zur Urgeschichte der Westslawen und Germanen*, Posen 1868.

101 E. Paukszta, *Warmia i Mazury*, Warszawa 1962, p. 113.

102 E.g., the National Library has such a copy (from the former Krasinśki Library): Wojciech Kętrzyński, *Aus dem Liederbuch eines Germanisierten 1854–1862*, Lwów 1938 - <https://polona.pl/preview/ec391fc5-18a7-466c-9a62-7dcc127a3d85> [Accessed: 21 April 2023].

tion of German culture.¹⁰³ Although born in Nuremberg or Dresden, where Gröll also ran a bookshop, his publishing and book trading activity were, to a great degree, connected with Warsaw; as for Fabricius, in his turn, who was a book trader and publisher in Krakow and in Warsaw, his descent remains unknown.¹⁰⁴ Apart from the above-mentioned translation of Krasicki's *Mousesey*, classified among University of Warsaw Library's early-printed books,¹⁰⁵ Gröll's publications on the list borrowed from the University of Warsaw Library also contain *Staats-Kalender vor das Königreich Polen und Grosherzogthum Litthauen auf das Gemeine Jahr 1770* [State Calendar for the Kingdom of Poland and the Grand Duchy of Lithuania 1770], today, however, not featured in the catalogue (item 124).¹⁰⁶

Another printed material, certain to have been displayed at the 1941 Warsaw Exhibition, and related to another Polish publisher of German descent, is that discussed briefly by Karl Dietrich in the paper released in the third issue of *Warschauer Kulturblätter*, additionally containing the reproduction of its front page.¹⁰⁷ It is a 40-page brochure titled *Gesänge bei der Schillerfeier in Warschau am 10. November 1859* [Songs on the Occasion of Celebrating Schiller in Warsaw on 10 November 1859], printed in the Warsaw printing house of the Hindermith Brothers in Daniłowiczowska Street. Little is known about that printing house: it already existed in the 1850s and 60s,

103 'Warschauer ältestes deutsches Schrifttum ausgestellt...', p. 5.

104 Z. Staniszewski, 'Gröll Michał (1722–1798)', in: *Polski Słownik Biograficzny*, vol. IX, eds. W. Armon, K. Lepszy, Wrocław et al., 1960–1961, pp. 35–36 and: A. Gryczowa, 'Fabricius Paweł (†1608)', in: *Polski Słownik Biograficzny*, vol. VI, ed. W. Konopczyński, Kraków 1948, pp. 341–342.

105 I. bp Krasicki, *Die Maeseade in zehen Gesaengen. Eine freye Uebersetzung des komischen Helden=Gedichts Myszeis von einem berühmten Polnischen Dichter, Warschau und Leipzig 1790*, Call No. BUW 4.19.5.97 (early books).

106 It seems that this item requires additional analysis, since in other Polish libraries it is not possible to find the 1770 edition, although there are other editions from different years (e.g., 1769, 1771, or 1773 at the National Library; 1781 at the University of Warsaw Library); apart from that there seem to have existed French or/and Polish versions. Since the entry in the list of the borrowed books is in an abbreviated form, it is not fully possible to determine which version is the one in question.

107 K. Dietrich, 'Eine Schillerfeier in Warschau im Jahre 1859', *Warschauer Kulturblätter*, 1941, no. 3, unnumbered pages [=pp. 32–33].

and had been founded by Karol Wilhelm Hindermith, who had been running a printing house in Kalisz as of 1835, which he had taken over after his father-in-law Karol Wilhelm Mehwald.¹⁰⁸ The brochure was published on the occasion of commemorating the hundredth anniversary of Friedrich Schiller's birth held in Warsaw, and it contained the lyrics of the jubilee overture and ceremonial cantata, as well as the famous poems: *Das Lied von der Glocke* (*Song of the Bell*) and *An die Freude* (*Ode to Joy*), sung or recited during the ceremony.¹⁰⁹

However, this brochure does not feature on either of the two discussed lists, which I believe may prove that there existed other lists still to be found. Additionally, it seems to be rare printed material since it was not listed, e.g., by Estreicher. Neither can it be found in the collections of the biggest Polish libraries (National Library, Jagiellonian Library, University of Warsaw Library, and Ossolineum); the only copy I have been able to find belongs to the Bavarian State Library.¹¹⁰ However, when the title pages of the two: the Bavarian one and the one reproduced in *Warschauer Kulturblätter* are compared, it is easily noticeable that they are two different editions, so the question can be asked regarding where the copy displayed at the *Buch und Schwert* Exhibition in Warsaw in 1941 came from, and what its further vicissitudes were.¹¹¹

What surprises among the books borrowed from Branch I are as many as 11 titles dealing with Poland's partitions and uprisings.

108 J. Ociepko, 'Karol Wilhelm Hindemith', in: *Słownik Pracowników Książki Polskiej*, ed. I. Treichel, Warszawa, Łódź 1972, p. 331.

109 'Programm zur Schillerfeier', *Warschauer Zeitung*, 1859, no. 156, p. 688; and also: 'Die Schillerfeier', *Warschauer Zeitung*, 1859, no. 161, p. 706. Furthermore, *Warschauer Zeitung* was printed at the Hindemith Brothers.

110 At: <https://www.digitale-sammlungen.de/en/view/bsb10125031?page=,1> [Accessed: 21 April 2023].

111 Interestingly, the National Library has a similar brochure, namely *Reden zur Schillerfeier am 10. November 1859* [Speeches to Celebrate Schiller in Warsaw on 10 November 1859] printed that very year by the Hindemith Brothers, and which contains, in turn, e.g., Józef Ignacy Kraszewski's speech on the impact of Schiller on Polish literature delivered during the ceremony in Polish: *Programm zur Schillerfeier...*, s. 688. In that brochure Kraszewski's address was printed in German, as translated by G. Dittmann (pp. 8-12).

They are, in their majority, publications from the 18th and 19th centuries, of which many are no longer found in the University of Warsaw Library collection, e.g., the German translation of Julian Niemcewicz's diary from the time of his stay in prison in St Petersburg in 1794–1796 (item 112), published in Leipzig in 1843.¹¹² The University Library no longer has the book by Karol Fryderyk Wojda, *An Attempt at the History of Polish Revolution of 1794*, published merely two years after the uprising in German in Zurich (item 114).¹¹³ The three-volume study by Richard Spazier, *History of the Uprising of the Polish Nation in 1830–1831*, from 1834 actually features in the card catalogue, however, in harmony with the note in its online version, it is considered lost.¹¹⁴ As a matter of fact, on the list, the discussed publication featured a different call number from the one in the card catalogue (item 87).¹¹⁵ The same call number on the list as in the catalogue of Early-Printed Books of the University of Warsaw Library is given to the book by François André de Favrat: *Contribution to the History of Polish Campaign in 1794–1796* (item 103).¹¹⁶

The latter remarks arouse the question about the present whereabouts of respective copies, particularly since the fact that an item printed at an early date means a great loss to the library. As can be seen from the example of Spazier's work, the very presence in an online or card catalogue does not really prove that the given work

112 *Meine Gefangenschaft zu St. Petersburg, in den Jahren 1794, 1795 und 1796, nachgelassenes Werk von Julian Ursin Niemcewicz nach dem eigenhändigen Manuscripte des Verfassers*, hrsg. auf Veranlassung des polnischen historischen Comités zu Paris, dt. von Ludwig Eichler, Leipzig 1843.

113 K. F. Wojda, *Meine Gefangenschaft zu St. Petersburg, in den Jahren 1794, 1795 und 1796, nachgelassenes Werk von Julian Ursin Niemcewicz nach dem eigenhändigen Manuscripte des Verfassers*, Zürich 1796.

114 *Katalog kartkowy BUW*, drawer Spał-Speh (1736), card no. 355.

115 R. O. Spazier, *Geschichte des Aufstandes des Polnischen Volkes in den Jahren 1830–1831 nach authentischen Documenten, Reichstags-Acten, Memoiren, Tagebüchern, schriftlichen und mündlichen Mittheilungen von mehr als 150 der vorzüglichsten Theilnehmer...*, Stuttgart 1834, Call No. BUW 4.27.2.15. On the list of the borrowed books the title has Call No.: 4.1.4.14.

116 F. A. de Favrat, *Beytraege zur Geschichte der Polnischen Feldzuege von 1794–1796*, Berlin 1799, Call No. BUW 4.25.8.2 (Exhibition copy).

is still in the library collection, while each copy should be described from autopsy. On the grounds of some random essays and online catalogue preliminary research, it can be assumed that more books borrowed from Branch I of the State Library are still in the University of Warsaw Library collection bearing the same call number than is the case of the National Library which had to repurchase many titles after the end of WWII. At the University of Warsaw Library, we can still read the same above-mentioned copy of Kętrzyński's dissertation *On the German Order and Konrad of Mazovia*¹¹⁷, or the dissertation by Hans Jürgen von Wilckens, *On the German Population in the Rural Counties of the Więcbork Parish during the Duchy of Warsaw*, from 1934 in which a pre-WWII stamp from the Library can be found with additional information that it was incorporated into the collection in the year of its publication (item 48).¹¹⁸ We will also find the same edition of the book by Carl Goehring: *Warsaw. Russian Capital* (Leipzig 1844) borrowed for the Exhibition and featuring the stamp of the Main Library of the Imperial University of Warsaw.¹¹⁹

It is more rarely in the case of the National Library that the item featured on the list of the books borrowed is not in the Library collection, but this very title is in the collection of the University of Warsaw Library. Such is the case with Caspar Weinrich's *Gdansk Chronicle* printed in Berlin in 1855 (item 9), although the Library almost certainly had had one copy of the study before WWI, which continues in its collection, though bearing a different call number from the one borrowed for the Exhibition. This is testified to by the stamp of the Main Library in Warsaw and the 19th-century call number.¹²⁰ Such a situation may suggest that the Library boasted

117 W. Kętrzyński, *Der deutsche Orden und Konrad von Masovien 1225–1235*, Lemberg 1904, Call No. BUW 9.13.12.22.

118 H. J. v. Wilckens, *Die deutsche Bevölkerung der Landgemeinden des Kirchspiels Vandsburg zur Zeit des Herzogtums Warschau* (1809), Posen 1934, Call No. BUW 31074.

119 C. Goehring, *Warschau eine russische Hauptstadt*, Leipzig 1844, Call No. BUW 17.7.4.32 a–b.

120 Caspar Weinreich's *Danziger Chronik: ein Beitrag zur Geschichte Danzigs, der Lande Preussen und Polen, des Hansabundes und der Nordischen Reiche*, Berlin 1855, call nos. BUW 4.2.4.15 and BUW T.1474 (from the collection of the Warsaw Scientific Society).

at the time more copies of the title, this hypothesis is justified by a similar call number: 4.2.4.15 versus 4.2.4.20 of the copy borrowed for the Exhibition, no longer to be found in the collection.

Differently from the National Library, for the University of Warsaw Library a purchase of the lost book was not the highest priority, this resulting from the specific profiles of amassing books by both libraries. The publications displayed at the *Book and Sword* Exhibition actually do harmonise with the Polonicum definition, however, they are most frequently written in German. In some cases, thus, it is likely that a certain book was taken from a different library, as the above-mentioned *De-Germanizing of Western Prussia and Poznan. Ten Years of Poland's Policy* by Hermann Rauschnig. The copy that is today in the University of Warsaw Library collection comes from the liquidated teachers' library of a gymnasium in Silesia's Reichenbach, namely Dzierżanów. However, the Exhibition copy is no longer to be found at the University of Warsaw Library.¹²¹

Still, it seems that it was decided to repurchase some books, mainly owing to their worth and importance for the collection. This was the case for the edition of documents and letters related to *Gottfried Keller and Polish Independence Struggle in 1863/64*, which Adam Lewak, namely the Library's Director under the occupation, published in Zurich in 1927. The copy borrowed for the Exhibition is no longer in the collection (item 34), yet there are two other ones; one of them, which I have had the opportunity to look through, was purchased immediately following the end of the war, in 1946.¹²² Several years later, in 1950, the Library bought Albert Treskow's *Prussian Campaign in 1794*, which had two editions: one

121 H. Rauschnig, *Die Entdeutschung Westpreussens und Posens. Zehn Jahr polnischer Politik*, Berlin 1930, Call No. BUW 473256. The second copy of this title which the University of Warsaw Library has today (Call No. BUW 475553) was being studied at the moment when I was writing this paper, the Exhibition copy bore Call No. 3762.

122 A. Lewak, *Gottfried Keller und der polnische Freiheitskampf vom Jahre 1863/64. Akten und Briefe eingeleitet und herausgegeben von Adam Lewak*, Zürich 1927, Call No. BUW 92982. The second copy which was being studied when I was writing this paper has call no. BUW 457902, the Exhibition copy's Call No. was 48450.

in Gdansk in 1836 and one in Berlin in 1837, and it is the latter one whose copy, as the only one, is now in the Library collection.¹²³ The lost Exhibition copy bore Call No. 4.1.1[?].31, which points to the fact that the book had been in the University of Warsaw Library collection still in the Russian times (item 88). And it was only in 2020 that the Library purchased the German translation of Adam Mickiewicz's *Forefathers' Eve* from 1887. It is the second volume of *Poetical Works* by Mickiewicz, translated by the distinguished Galician writer and translator Siegfried Lipiner, whose first volume was published in 1882. The University of Warsaw Library still has it (in the second 1898 edition),¹²⁴ while its call number (2g.11.1.49) suggests that the copy lent for the Exhibition was precisely the second volume, since it bore, according to the list, the following call number: 2g.11.1.49/2 (item 38). The call number of the volume purchased does not make any reference to that pre-WWII loss, bearing a new call number featured by the 19th-century collection of the University of Warsaw Library.¹²⁵

Importantly, many of the books borrowed from Branch I of the State Library are no longer present in the University of Warsaw Library collection. They are generally older works, such as the above-mentioned calendar printed by Gröll or the works by Kętrzyński, Niemcewicz, Wojda, and Spazier. Let us mention in this respect the 1807 book by August Sadebeck called *Poland in the Times of Its Last Two Partitions* (item 90), which is no longer in the collection, either.¹²⁶ An interesting item in this context is also the early-printed book from the Saxon times displayed at the 1941 Exhibition, name-

123 A. v. Treskow, *Der Feldzug der Preussen im Jahre 1794. Beitrag zur Geschichte des Polnischen-Revolutionskrieges*, Berlin 1837, Call No. BUW 90108.

124 A. Mickiewicz, *Poetische Werke, uebersetzt von Siegfried Lipiner*, Leipzig 1898, Call No. BUW 2g.11.1.49.

125 A. Mickiewicz, *Todtenfeier (=Dziady)*, übers. und mit erklärender Einl. vers. von Siegfried Lipiner, Leipzig 1887, call no. BUW GZXIX2714A.

126 A. Sadebeck, *Polen zur Zeit der zwey letzten Theilungen dieses Reichs: historisch, statistisch und geographisch beschrieben: nebst einem allegorischen Frontispis, drey Prospekten und einer Landcharte, welche die verschiedenen Theilungen Polens, in der Jahren 1772, 1793 und 1795, dem Auge deutlich macht*, Leipzig 1807, the Exhibition copy bore Call No. 4.1.4.37.

ly the booklet titled *Das frohlockende Warschau* [Rejoicing Warsaw], describing in detail the ceremonious entry of King Augustus III of Saxony into Warsaw together with the illuminations and rich ornamentation, generously provided for by German burghers to welcome the new ruler, as can be read in the reports in *Warschauer Zeitung*.¹²⁷ The publication was authored by a certain Gottlieb Enoch Jonisch. This printed material had both its Dresden edition¹²⁸ and the Warsaw one; in Warsaw, it was published in the Jesuit Printing House.¹²⁹ On the grounds of the *List of Books and Periodicals of Branch I of the State Library...* it can be verified that it was precisely the University of Warsaw Library copy that was borrowed for the *Book and Sword* Exhibition (item 91, Call No. 4.3.1.128). From the reproduction accompanying the article by Felix Billig, the Warsaw editor of *Krakauer Zeitung*,¹³⁰ printed in the fourth issue of *Warschauer Kulturblätter*, we know that it was the Warsaw and not the Dresden edition that was shown in Warsaw.¹³¹ However, this copy is no longer present in the University of Warsaw Library collection.¹³²

CONCLUSION

In the latter years of WWII, exhibitions and events similar to the above-described were also held. For example, in the subsequent edition of the 'Warsaw Culture Days' launched on 27 September

127 'Warschaus ältestes deutsches Schrifttum ausgestellt...', p. 5.

128 A copy is available e.g., in the collection of Martin Luther University Library in Halle- <https://digitale.bibliothek.uni-halle.de/vd18/content/pageview/13482120> [Accessed: 21 April 2023].

129 This copy, too, is in the collection of the Halle Library; it was once in the book collection of Johann August von Ponickau, a Saxon founder of libraries. Digital version: <http://digitale.bibliothek.uni-halle.de/urn/urn:nbn:de:gbv:3:1-754610> [Accessed: 21 April 2023].

130 P. Kołtunowski, 'Charakterystyka hitlerowskiego dziennika *Krakauer Zeitung*', *Zeszyty Prasoznawcze*, 1987, no. 2, p. 45.

131 F. Billig, 'Von Warschauer Freudentagen', *Warschauer Kulturblätter*, 1942, no 4, pp. 45–50 (reproduction after p. 48).

132 Interestingly, despite the above-mentioned Witte's Ordinance, the early-printed books from the University of Warsaw Library remained on site and were not transferred to Okólnik – see A. Mężyński, *Biblioteki Warszawy...*, p. 173. It is this likely that they were not destroyed together with all the remaining special collections when the Germans set the building of the Krasiński Library on fire in October 1944.

1942, two exhibitions titled, respectively, *Das Bild des Krieges* [Image of the War] and *Deutsches Erbe in Warschau* [German Legacy in Warsaw] were mounted.¹³³ However, on that occasion, the preparations did not go smoothly. Grundmann actually came across a strong opposition on the part of Alfred Schellenberg, who, as culture officer at the Warsaw School Office (*Stadtschulamt*), supervised all city museums, libraries, and archives.¹³⁴ Having received from Grundmann a letter dated 1 September 1942 presenting the list of desired exhibits to be borrowed from the institutions within the scope of his competences,¹³⁵ already on the following day, he turned to the City Commander (*Stadthauptmann*) SS-Oberführer Leist: in his view the organisation of an exhibition after two latest bombings in the totally unprotected Zachęta building was not feasible, since in this way everything that was of relevance to German Warsaw could be destroyed at one go.¹³⁶ On the following day, he wrote to the Propaganda Department, sharing the same message and requesting the giving up of mounting the Exhibition.¹³⁷ Finally, a compromise was reached in such a way that the genuine artefacts were shown only on the Exhibition's opening day, to be later replaced with photographs.¹³⁸

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- 133 See 'Warschauer Kulturtage - im Dienste der Verwundeten. Gouverneur Dr. Fischer eröffnete im Theater der Stadt Warschau die »Deutschen Kulturtage 1942«, *Warschauer Zeitung*, 1942, no. 230, p. 5 and: 'Deutsche Arbeit und deutsche Kultur untrennbar. Die deutsche Leistung unwiderlegbares Beweismittel für den deutschen Führungsanspruch im Weichselraum - Die Ausstellungen »Deutsches Erbe in Warschau« und »Das Bild des Krieges« - Durch Präsident Ohlenbusch eröffnet', *Warschauer Zeitung*, 1942, no. 233, p. 5.
- 134 M. Popiołek, 'Alfred Schellenberg. Ein Kunsthistoriker im besetzten Warschau 1940-1944', *Historie. Jahrbuch des Zentrum für Historische Forschung Berlin der Polnischen Akademie der Wissenschaften*, 2016, no. 10, p. 166.
- 135 Karl Grundmann's letter to Alfred Schellenberg of 1 September 1942, in: *Allgemeine kulturelle Angelegenheiten*, Archives of the National Museum in Warsaw, Call No. 694, p. 247.
- 136 Alfred Schellenberg's letter to SA-Oberführer Leist of 2 September 1942, *ibidem* p. 245.
- 137 Alfred Schellenberg's letter to the Propaganda Department at the Office of the Governor of the District of Warsaw dated 3 September 1942, *ibidem*, p. 244.
- 138 Alfred Schellenberg's letter to the Office for Conservation of Old Art (*Amt für die Pflege alter Kunst*) of 18 September 1942, *ibidem*, p. 241.

The fact that, despite Schellenberg's fears, supposedly also shared by the Warsaw Archives Directorate,¹³⁹ exhibitions were continuously organised in 1942 demonstrates that the Germans were strongly interested in Polish collections. These were used for the purpose of their propaganda, among other things, to prove the historical and culture-creative role of Germany, in line with the principles of the Nazi cultural policy serving to legitimise the German rule over the occupied Polish territories. As seen from the perspective of Polish libraries and archives, such activity was inevitably connected with a strong interference in their respective collections. The fear that the items borrowed for exhibitions would not return to their home collections can be seen, e.g., in the fact that Estreicher's London Office paid close attention to all Polish books, manuscripts, early books, or incunabula enumerated in German press. As I have demonstrated through several examples, these fears were justified, since it is known that many copies borrowed for the 1941 *Book and Sword* Exhibition were not returned to their home collections. Although the majority of them were printed in German, they were undoubtedly, if only for the place of their production, Polonica, and as such, they were part of the Polish history of printing and the book.

The purpose of the paper was, among others, to identify available materials connected with the tackled themes, and to draw perspectives of further research which can, for example, relate to the investigations conducted for many years into transfers and plundering of Polish libraries during the German occupation. For this reason, it is difficult at this point to make a definitive assessment of German exhibition activities and to estimate the losses incurred by Polish libraries and archives as a result, as additional queries would be necessary for this. However, the described cases are, in the author's opinion, a meaningful proof that such research is worth pursuing.

Translated by Magdalena Iwińska

139 Schellenberg's letter *Leist...*, p.; 245.

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PIOTR WOLFRAM'S LIBRARY, ITALIAN INTELLECTUAL FORMATION, AND THE CAREER OF A POLISH LAWYER OF THE FIRST HALF OF THE 15TH CENTURY

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ABSTRACT

The analysis of the library of Piotr Wolfram, a bachelor of laws educated in Prague, Padua, and Bologna, professor of the Kraków Academy, participant of the Council of Constance, and the collector of Peter's Pence in Poland, reveals the tools which he used in building his career, surprisingly brilliant for a son of a burgher. The degree to which his library was typical for the period – library understood not only as a collection of codices but also a collection of texts – has been evaluated through the analysis of the popularity of individual works among the Kraków bar. The very presence of works by Italian lawyers in the collection does not unambiguously point to Italian intellectual education, as some Italian commentaries were included in the canon of literature taught at European universities. It has been determined that a clear indication of Wolfram's Italian formation is provided by such texts as *Apostillae* to Francesco Zabarella's commentary on the *Liber Sextus* or rhetori-

cal texts by Italian authors – Bolognese university speeches or a letter by Petrarch yet unidentified in the catalogue of manuscripts of the Jagiellonian Library. In comparison to the library of Mikołaj Kicki, a lawyer with similar educational background (law studies in Bologna and Padua), Piotr Wolfram's collection is rather limited, as it lacks some significant collections of canon law or most of the 13th-century commentaries on the *Decretales*. It mostly comprises legal dictionaries, concordances, repertories, and indices. The library is tailored to a practitioner rather than a creative commentator of law, but the presence of rhetorical Italian texts makes it stand out from other contemporary libraries of Polish lawyers.

KEYWORDS: Piotr Wolfram, lawyer's book collection, manuscripts, Italian intellectual formation, 15th century

The first half of the 15th century: the time of the Councils of Constance and Basel, as well as the period of Polish-Teutonic disputes, was an extremely important period for shaping Polish legal thought and praxis. The key role of defenders of Polish interests at the Council of Constance was played by lawyers educated in Italy: Paweł Włodkowic (d. 1436), Andrzej Łaskarzyc (d. 1426), and Piotr Wolfram (d. 1428).¹ It is of great importance to study the content of the book collections of mediaeval scholars in order to learn about their intellectual formation; this particularly so in the case of those of them who did not leave behind an extensive writing output. Thus precisely in the situation with which we have to do in the case of Piotr Wolfram who was more a lawyer-practitioner than a theoretician. The analysis of the stages of the creation of Wolfram's library seen against his career and output will aim at demonstrating both the intellectual background and working tools of the ambitious lawyer, canon and diplomat educated in Italy.

1 T. Wünsch, *Konziliarismus und Polen: Personen, und Programme aus Polen zur Verfassungsfrage der Kirche in der Zeit der mittelalterlichen Reformkonzilien*, F. Schöningh, Paderborn-München 1998, pp. 53-60.

PIOTR WOLFRAM: A BIOGRAPHICAL NOTE

The career of Piotr Wolfram is well known thanks to the studies of Jan Fijałek, Marian Zwiercan, Marek Daniel Kowalski, and Bohdana Petryszak.² Also his Italian intellectual background as a lawyer educated in Padua and Bologna and the fact that he was the first Pole known to have quoted Petrarch have been the focus of interest of numerous scholars.³ Piotr Wolfram was a son of a burgher from Wolbrom near Krakow. He was most likely educated in liberal arts, possibly at the University of Prague.⁴ The argument supporting this thesis is the fact that in 1402 he was already serving as a parson at Prandocin near Krakow, and took the job of a city notary in Lviv. The fact that he introduced new form formats at the Lviv City Chancery and the Chancery of Jakub Strepa, Archbishop of Halyč, would suggest that he had earlier gained some knowledge of *ars dictaminis*, and some experience in chancellery work.⁵ He may

- 2 J. Fijałek, *Polonia apud Italos scholastica saeculum XV*, vol. 1, *Poloni apud Italos litteris studentes et laurea donati inde a Paulo Wladimiri usque ad Johannem Lasocki collecti ei illustrati*, Typis et sumptibus Universitatis Jagellonicae, Cracoviae 1900, pp. 35–44; M. Zwiercan, 'Piotr Wolfram z Krakowa', in: *Polski Słownik Biograficzny*, vol. 26, Zakład Narodowy imienia Ossolińskich-Wydawnictwo Polskiej Akademii Nauk, Wrocław-Warszawa-Kraków-Gdańsk-Łódź 1981, pp. 403–406; M.D. Kowalski, 'Dlaczego warto było zostać kolektorem?', *Roczniki Historyczne*, 2014, vol. 80, pp. 135–138; B. Petryszak, 'Львівський період діяльності Петра Вольфрама (1402–1407 pp.)', in: *Lwów. Miasto – społeczeństwo – kultura*, eds. K. Karolczak, Ł.T. Sroka, Wydawnictwo Naukowe Uniwersytetu Pedagogicznego, Kraków 2010, vol. 7, pp. 177–194; eadem, 'Кап'ери публічних нотаріїв у Львові XV–XVI ст', *Średniowiecze polskie i powszechne*, 2011, vol. 3 (7), pp. 171–185.
- 3 J. Fijałek, op. cit., pp. 35–44; N. Contieri, 'La fortuna del Petrarca in Polonia nei secoli XIV e XV', *Annali dell'Istituto Universitario Orientale. Sezione Slava*, 1961, no. 4, p. 149; K. Ożóg, *Uczni w monarchii Jadwigi Andegawerskiej i Władysława Jagiełły (1384–1434)*, Polska Akademia Umiejętności, Kraków 2004, pp. 206–222; J. Domański, *Scholastyka i początki humanizmu w myśli polskiej*, Instytut Tomistyczny, Warszawa 2011, pp. 77–79; A. Horeczy, *Recepcja włoskiej kultury intelektualnej w krakowskim środowisku uniwersyteckim w drugiej połowie XIV i w pierwszej połowie XV wieku*, Wydawnictwo IH PAN, Warszawa 2021, pp. 9, 76–79, 81, 282, 331, 337, 362–363; eadem, 'Cytaty w listach Piotra Wolframa – między średniowieczem a renesansowym humanizmem', *Studia Źródłoznawcze*, 2020, vol. 58, pp. 85–100.
- 4 K. Ożóg, 'Piotr Wolfram', in: *Profesorowie Wydziału Prawa Uniwersytetu Jagiellońskiego*, ed. W. Uruszczak, Wydawnictwo Uniwersytetu Jagiellońskiego, Kraków 2015, vol. 1, pp. 337–339.
- 5 R. Trawka, 'Arengi i motywacje w dokumentach arcybiskupa halickiego Jakuba Strepy', *Studia Źródłoznawcze*, 2015, vol. 53, pp. 59, 65, 68; B. Petryszak, 'Кап'ери...', pp. 175–177.

have had contact with the Italian intellectual culture, and possibly with the Renaissance Humanism when in 1407 he travelled to the Roman Curia as an emissary of the Archbishop of Halyč. A year later, he began to study canon law in Prague, which he interrupted following the Decree of Kutná Hora giving the decisive voice to the Bohemian nation at the University of Prague. In late 1409, he was sent as an emissary of the Polish King to Pisa's Antipope Alexander V staying in Bologna. Wolfram may have taken advantage of this opportunity to attend lectures on canon law. Between 1400 and 1409, he must have come over to Padua to study, this testified to by a Padua custom's stamp placed on the manuscript from the Jagiellonian Library (below BJ) that belonged to him, Call no. 372.⁶ Padua documents record Wolfram's presence as of August until the end of 1411 when he held the function of Vice-rector of ultramontanists, following which, after a stay in Poland (August 1412), he was in Bologna where he was conferred the bachelor of decrees' title (2 September 1413). Having returned to Krakow, he was sent by the King with a mission of envoys to Sigismund of Luxembourg, while in 1415, he was included into the body of professors at the Department of Law. As of May 1415, he participated in the sessions of the Council of Constance representing Bishop of Krakow Wojciech Jastrzębiec. Apart from being involved in the work of Council commissions and the defence of Polish interests in the Polish-Teutonic litigation, he also copied Council files and other texts. The ecclesial career of Piotr Wolfram speeded up after he had been conferred the bachelor's degree in canon law in Bologna, this to a great degree owing to his good contacts among the Curia circles. Furthermore, he gathered numerous benefices; he was, among others, Cantor of the Collegiate Church in Wiślica (1414-1418), Poznan Canon (1414-1428), Gniezno Scholaster (1418-1426), Krakow Canon (1418-1428), and Krakow Archdeacon (1426-1428). Moreover, what contributed

6 'Dominus Wolfram de || || 140 || || bonus propter' BJ 372, f. 1r; L. Gargan, 'L'enigmatico „conduxit”. Libri e dogana a Padova fra Tre e Quattrocento', *Quaderni per la Storia dell'Università di Padova*, 1983, vol. 16, p. 24, no. 9. Erroneous information that the custom's stamp concerns the arrival in Padua in 1411. A. Horeczy, 'Cytaty...', p. 88.

to Wolfram's prominence and affluence was the fact that he assumed a lucrative position of the collector of Peter's Pence in the Kingdom of Poland, first as appointed by the Council (1415), and later by the Pope (1418). At the same time, he remained an active expert lawyer. He participated in the sessions of the Wieluń- Kalisz Provincial Synod (1419-1420) which was working on the codification of law in the Gniezno Metropolis. Later on, Wolfram took part in the Poland versus Teutonic Order trial before the papal envoy Antonio Zeno in 1422. Furthermore, together with Stanislaus of Skarbimierz he published a *consilium*.⁷ As for Wolfram's other output, his letters, orations, and sermons have been preserved.⁸

WOLFRAM'S BOOK COLLECTION: STATE OF RESEARCH

Although quite a number of scholars have investigated Wolfram's library, the issues connected with the chronology of its formation have not been thoroughly studied, nor have the identification of the works it contained and the means of using them been successfully conducted. J. Fijałek identified seven codices that belonged to Wolfram: three copied in Bologna containing law-related issues: a manuscript of the Library of the Krakow Cathedral Chapter (below: BKKK), Call no. 94, and manuscripts BJ 344 and

7 K. Ożóg, 'Piotr Wolfram...', p. 339; L. Zygmier, 'Działalność synodalna arcybiskupa Mikołaja Trąby', in: *Piśmienność pragmatyczna – edytorstwo źródeł historycznych – archiwistyka. Studia ofiarowane Profesorowi Januszowi Tandeckiemu w sześćdziesiątą piątą rocznicę urodzin*, eds. R. Czaja, K. Kopiński, Towarzystwo Naukowe, Toruń 2015, pp. 221-222.

8 Copies of Piotr Wolfram's letters (8) are in the 15th-century manuscript in the Scientific Library of the PAAS and PAS in Krakow 6641 (below: BPAN), while his sermons *De tempore et de sanctis* have been preserved in manuscript BJ 2459 from around 1425 and in the manuscript in the Wrocław University Library (below BUWr), Call no. I Q 87 (Piotr Wolfram's sermon on the Annunciation of Our Lady in 1424), scans available online <https://www.bibliotekacyfrowa.pl/dlibra/publication/38708/edition/135687/content> [Accessed: 31 March 2023]. See W. Wisłocki, *Katalog rękopisów Biblioteki Uniwersytetu Jagiellońskiego*, part 2, nakładem Akademii Umiejętności, Kraków 1881, p. 588; M. Kowalczyk, *Krakowskie mowy uniwersyteckie z pierwszej połowy XV wieku*, Zakład Narodowy im. Ossolińskich-Wydawnictwo PAN, Kraków 1970, p. 30.; M. Zwiercan, op. cit., p. 405; K. Ożóg, 'Piotr Wolfram...', p. 339; *Katalog rękopisów Biblioteki Naukowej PAU i PAN w Krakowie. Sygnatury 6551-6880*, comp. E. Danowska, E. Knappek, Polska Akademia Umiejętności. Wydawnictwo, Kraków 2008, pp. 86-93; A. Horeczy, 'Cytaty...', p. 90.

395: two manuscripts containing the *Liber moralium in Job* (*Moralia*) by Gregory the Great copied in Bohemia (BJ 1350 and 1352); a manuscript containing e.g., Council sermons written down in Constance (BJ 1596), and an unpreserved manuscript with works by Cicero listed in the 18th-century catalogue of the Załuski Library.⁹ Wacława Szelińska extended that list with one codex containing letters of Peter of Blois: the Czartoryski Library (below: BCzart), Call no 2008,¹⁰ while the authors of the most recent catalogue of mediæval legal manuscripts in the Jagiellonian Library have identified another Bolognese legal manuscript that belonged to Wolfram: BJ 372.¹¹ Irena Malinowska-Kwiatkowska has given an overview of Piotr Wolfram's Bolognese legal codices as the source for gaining knowledge of (and studying) canon law in the early 15th century.¹² In total, there are eight identified and preserved manuscripts that belonged to Wolfram and an unpreserved one.¹³

PIOTR WOLFRAM'S BOOK COLLECTION: CHRONOLOGY AND CONTENT

It remains unknown when Piotr Wolfram began to amass his library, possibly already when studying liberal arts. It is likely that he came to Lviv with some works tackling *ars dictaminis* or letter formats, since he introduced new preamble templates into the Chancery of Archbishop Strepa.

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- 9 J. Fijałek, op. cit., p. 38; J.D. Janocki, *Specimen catalogi codicum manuscriptorum bibliothecae Zaluscianae*, typis Harpetrae viduae, Dresdae 1752, p. 74.
 - 10 W. Szelińska, 'Piotr Wolfram, profesor Uniwersytetu Krakowskiego i jego nieznaną rękopis', *Rocznik Naukowo-Dydaktyczny. Prace Historyczne*, 1977, vol. 59, no. 8, pp. 49–58.
 - 11 *Catalogus codicum manuscriptorum medii aevi latinorum qui in Bibliotheca Jagellonica Cracoviae asservantur*, vol. 2, *Numeros continens inde a 332 usque ad 444*, comp. M. Kowalczyk et al., Zakład Narodowy im. Ossolińskich--Wydaw. PAN, Kraków-Warszawa-Wrocław-Gdańsk 1982, p. 125.
 - 12 I. Malinowska-Kwiatkowska, 'I manoscritti giuridici bolognesi al collegium iuridicum dell'Università Jagellonica (il lascito di Piotr Wolfram)', in: *Laudatio Bononiae. Atti del Convegno storico italo-polacco svoltosi a Bologna dal 26 al 31 maggio 1988 in occasione del Nono Centenario dell'Alma Mater Studiorum*, ed. R.C. Lewański, Università degli Studi di Bologna-Istituto Italiano di Cultura, Bologna-Varsavia 1990, pp. 161–166.
 - 13 M. Zwiercan, op. cit., pp. 405–406; A. Horeczy, 'Cytaty...', pp. 88–91.

The first manuscript known to have ended up in Piotr Wolfram's book collection (already before 1409) is BJ 372 with Guido da Baisio's commentaries. This parchment codex was copied in Bologna in the late 15th century. In the course of his studies in Bologna in 1413, Piotr Wolfram enriched his book collection with three more legal codices: BJ 344, BJ 395, and BKKK 94. *Those manuscripts were copied on paper around the same time: mainly in 1411–1413.*

In 1414, Piotr Wolfram acquired two manuscripts copied in Bohemia in 1392 (BJ 1350 and 1352), containing the first and second part of Gregory the Great's *Liber moralium in Job*.¹⁴ Works by Gregory the Great were extremely popular in mediaeval libraries, also in the Prague and Krakow circles, but mostly among theologians.¹⁵ The copy of the *Liber moralium in Job* may testify to Wolfram's theological interests, however, he could have needed the book first of all to prepare his speeches and sermons, particularly as Gregory the Great was the second (after St Augustine) most frequently quoted authority, while the *Moralia* were one of the three of his most cited works.¹⁶

It is from Constance that Piotr Wolfram brought manuscript BJ 1596 copied in 1415–1417; this one also reflecting the Italian intellectual culture of the late Middle Ages and early Humanism. It opens with the *Compendium moralium notabilium* by Geremia da Montag-

- 14 J. Zathey, 'Biblioteka Jagiellońska w latach 1364–1492', in: J. Zathey, A. Lewicka-Kamińska, L. Hajdukiewicz, *Historia Biblioteki Jagiellońskiej*, vol. 1, 1364–1775, Państwowe Wydawnictwo Naukowe, Kraków 1966, p. 81; *Catalogus codicum manuscritorum medii aevi latinorum qui in Bibliotheca Jagellonica Cracoviae asservantur*, vol. 8, *Numerus continens inde a 1271 usque ad 1353*, comp. M. Kowalczyk et al., BJ-Księgarnia Akademicka, Cracoviae 2004, pp. 384–386, 392–394.
- 15 According to the inventory from the turn of the 15th and 16th century, in the library of the Krakow Cathedral Chapter there were six items identified as *Moralia* by Gregory the Great. The work was in the library of Jan Szczekany and Maciej of Kobylin teaching theology at the University of Krakow in the 15th century; see: I. Polkowski, *Katalog rękopisów kapitulnych katedry krakowskiej*, part 1, *Kodexa rękopiśmienne 1–228*, nakładem Akademii Umiejętności, Kraków 1884, pp. 4–6, 14; M. Hornowska, H. Zdzitowiecka-Jasińska, *Zbiory rękopiśmienne w Polsce średniowiecznej*, Wydaw. Kasy im. Mianowskiego Inst. Popierania Nauki, Warszawa 1947, pp. 33–35, 104; *Catalogus codicum...*, vol. 8, pp. 364–366, 394–396.
- 16 Por. M. Kowalczyk, *Krakowskie mowy...*, pp. 48, 108; K. Bracha, *Nauczanie kaznodziejskie w Polsce późnego średniowiecza : Sermones festuales et dominicales z tzw. kolekcji Piotra z Miłosławia*, Wydawnictwo Akademii Świętokrzyskiej im. Jana Kochanowskiego, Kielce 2007, pp. 98–100; A. Horeczy, 'Cytaty...', p. 89.

none (d. 1321): a florilegium with quotations from the Bible, from works of classical authors, early-Christian ones, mediaeval ones, as well as from the oral tradition from the Padua region.¹⁷ The work, also found in the book collections of Paweł Włodkowic and Maciej of Koło, must have served Wolfram when he was composing his speeches, sermons, letters, and treatises.¹⁸ Another group of texts is made up of Council sermons from 1415–1416 preached by: Maurycy Rvačka from Prague, Bernard de la Planche, Robert Gilbert from Oxford, and Alessio di Siregno, Bishop of Piacenza.¹⁹ They are preceded by the Council speech dealing with clergy's vices written by the famous Florentine Humanist Poggio Bracciolini (d. 1459), which was later extremely popular with the Krakow circle.²⁰ The codex concludes with an anti-Hussite treatise and the *Collirium fidei adversus hereses novas* by Álvaro Pelayo (d. 1349), a Spanish canonist who taught in Bologna and Perugia for some time.²¹

17 Inc. 'Incipit Compendium moralium notabilium, compositum per Ieremiam iudicem de Montagnone, civem Paduanum', BJ 1596, ff. 10r–178v. Szerzej o *Compendium moralium*, see L. Morlino, 'Sui proverbi volgari di Geremia da Montagnone', *Bollettino dell'Opera del Vocabolario Italiano*, 2013, vol. 18, pp. 249–275; R.G. Witt, *In the Footsteps of the Ancients: The Origins of Humanism from Lovato to Bruni*, Leiden, Brill 2000, p. 113.

18 See A. Horeczy, 'Cytaty...', p. 90.

19 Ibidem, p. 90.

20 Inc. 'Vellem patres reverendissimi, tantum virtutis atque animi roboris', BJ 1596, ff. 179r–184r; see I.M. Radziejowska, "'Mowa soborowa" Poggia Braccioliniego', *Przegląd Tomistyczny*, 2000, vol. 8, pp. 362–396; see A. Horeczy, *Recepcja...*, p. 236, 239.

21 Anti-Hussite treatise inc. 'Audite celi que loquar, audiat terra verba oris mei', BJ 1596, ff. 208r–217v, can also be found in manuscripts BJ 1272, BUWr Q I 87, BPAN 6641; see W. Göber, *Katalog rękopisów dawnej Biblioteki Uniwersyteckiej we Wrocławiu*, vol. 14, I Q 71–120, p. 149; <https://www.bibliotekacyfrowa.pl/dlibra/publication/10530/edition/18842/content> [Accessed: 30 March 2023]; *Catalogus codicum...*, vol. 8, p. 26; *Katalog rękopisów Biblioteki Naukowej PAU...*, Kraków 2008, p. 91. Owing to a similarly worded incipit the treatise has been erroneously identified by some scholars with the Hussite invective at King Sigismund of Luxembourg (*Satira Regni Boemie in Regem Hungarie Sigismundum*) dated to 1420; see J. Trška, 'Príspevky k stredoveké literárni universite [Die auctoribus et operibus universitatis Pragensis medii aevi capitula]' in: *Acta Universitatis Carolinae. Historia Universitatis Carolinae Pragensis*, 1968, vol. 9, p. 6; P. Spunar, *Repertorium auctorum Bohemorum provectum idearum post Universitatem Pragensem conditam illustrans*, vol. 2, Wydawnictwa IHN PAN, Warszawa–Praga 1995, p. 106, no. 186. As for satire's publication see F. M. Bartoš, 'Z publicistiky husitského odboje', *Listy filologické / Folia philologica*, 1928, vol. 55, pp. 339–345.

The next manuscript: BCzart 2008, was copied in Gniezno in 1420, possibly as commissioned by Piotr Wolfram. It contains, e.g., a letter of Peter da Blois which Wolfram later used in his sermons, writings by John Gerson, Innocent III (*De miseria condicionis humanae*) and the *Distinctiones* by Nicholas of Gorran.²²

According to the information provided in the catalogue of Jan Daniel Janocki, in the Załuski Library there used to be a manuscript, today unpreserved, featuring a note on the last page saying that Wolfram finished copying it on Saturday, on the feast day of St Lucy .on ember days in 1423.²³ The codex contained works by Cicero: *Brutus* (*De claris oratoribus*), *De oratore*, *Topika*, *Partitiones oratoriae*. Although some Cicero's texts were known in the Middle Ages, such a selection testifies to Wolfram's awareness of the most recent Humanist trends. *De oratore* known in its abbreviated version and the *Brutus* practically forgotten in the Middle Ages were rediscovered thanks to the codex which contained it, and was found by the Bishop of Lodi in the archives of the Cathedral there in 1421, which was quite sensational for the Italian Humanists.²⁴ As for the treatise *Partitiones oratoriae*, it was present in late-mediaeval Italian manuscripts (Petrarch knew it), however, it was not popularised in Wolfram's times in Krakow (it is also found in manuscript BJ 519 copied in Constance).²⁵ Wolfram most likely copied Cicero's works mentioned above in Rome where he went in 1423 to win the backing of Pope Martin V after he had fallen in the King's disfavour.²⁶ This situation contributed to the extension of his book

22 W. Szelińska, 'Piotr Wolfram...', pp. 50-54; A. Horeczy, 'Cytaty...', p. 90.

23 'In extremo margine folii ultimi adnotatur, absolutum esse hunc codicem anno domini MCCCCXXIII. Sabbato quatuor temporum beate Lucie per Petrum de Lamburga', J.D. Janocki, op. cit., p. 74.

24 M. McLaughlin, 'Petrarch and Cicero. Adulation and Critical Distance', in: *Brill's Companion to the Reception of Cicero*, ed. W.H.F. Altman, Brill, Leiden 2015, p. 20; R. Sabbadini, *Le scoperte dei codici latini e greci ne' secoli XIV e XV*, vol. 1, G. C. Sansoni, Firenze 1905, pp. 100-101.

25 Por. R. Sabbadini, op. cit., p. 26; *Catalogus codicum manuscriptorum medii aevi latinorum qui in Bibliotheca Jagellonica Cracoviae asservantur*, vol. 3, *Numeros continens inde a 445 usque ad 563*, comp. M. Kowalczyk et al., Institutum Ossolinianum, Wratislaviae 1984, p. 197.

26 J. Fijałek, op. cit., p. 40; M. Zwiercan, op. cit., p. 405.

collection: when in Rome, thanks to a large number of Humanists, e.g., in the Papal Curia, he could learn about the latest discovery, and manage to get a version which he could copy.²⁷

There are no sufficient grounds to add to Wolfram's library, in harmony with Jan Słowiński's hypothesis, one more manuscript copied in Constance, and containing the collection of Humanist orations and letters by Italian authors (BJ 519).²⁸ Its first part containing Cicero's *Partitiones oratoriae* was collated in Constance by Domenico Baiardi of Fermo.²⁹ Jan Słowiński suggested that on 5 November 1416, above-mentioned Domenico, appeared as a witness in a document issued by Bishop Wojciech Jastrzębiec addressed to Krakow city councillors, while on 6 August 1418, he wrote down the document issued by Ladislaus Jogaila to Poznan Bishop Andrzej Łaskarzyc. Jan Słowiński thought that it was Wolfram, as Bishop's trusted man, who proposed the Italian copyist whom he may have met either during his studies in Bologna or at the Council of Constance.³⁰ Furthermore, the fact accounting for the pertaining of this manuscript to Wolfram's library was to be seen in the fact that it contained Krakow Bishop Wojciech Jastrzębiec's edict of 8 June 1415 on indulgences on the last page of the first quire.³¹ Słowiński's hypothesis is not strongly supported. Other Poles associated with Wojciech Jastrzębiec, who studied in Padua and Bologna over the similar period, can be pointed to: if only Mikołaj Kicki (d. 1429), who, in 1415, studied in Bologna, and in 1418 and 1419, continued his studies in Padua.³² Besides, had Wolfram owned the *Partitiones*

27 More on Humanism at the Roman Curia, see J.F. D'Amico, 'De dignitate et excellentia Curiae Romanae: humanism and the papal curia', in: *Umanesimo a Roma nel Quattrocento. Atti del Convegno su "Umanesimo a Roma nel Quattrocento"*, New York, 1-4 dic. 1981, ed. P. Brezzi, M. De Panizza Lorch, Barnard College-Istituto di studi romani, New York-Roma 1984, pp. 83-111.

28 J. Słowiński, 'Pismo humanistyczne w kręgu piętnastowiecznej Akademii Krakowskiej', *Studia Źródłoznawcze*, 1994, vol. 35, pp. 102-104.

29 BJ 519, ff. 1r-9v; por. *Catalogus codicum...*, vol. 3, p. 197.

30 J. Słowiński, op. cit., p. 103.

31 BJ 519, f. 10v; por. *Catalogus codicum...*, vol. 3, pp. 197, 241.

32 A. Horeczy, 'Prawnicze doktoraty Polaków w Bolonii w XV wieku', *Roczniki Historyczne*, 2015, vol. 81, p. 175.

oratoriae emended by Baiardi, he would not have copied the book for the second time in 1423. However, these arguments are not sufficient to exclude manuscript BJ 519 from Piotr Wolfram's book collection.

PIOTR WOLFRAM'S ITALIAN LEGAL MANUSCRIPTS BJ 372

The first known as in to-date's research codex which reached Piotr Wolfram's book collection was BJ 372.³³ It contains commentaries on the set of canon law issued by Boniface VIII in 1298 (*Liber Sextus*) written by Guido da Baisio (d. 1313), one of the most famous canonists in Bologna and Archdeacon, affiliated also to Avignon as chaplain of Boniface VIII.³⁴ Guido's work defined as *Lectura or Apparatus super Sexto*, collected and ordered the already-existing glosses on the *Liber Sextus*, additionally consolidating the Pope's authority. It dedicated much attention to the issue of conferring Church dignities.³⁵ The commentary was used in teaching canon law in Bologna already in the 14th century, this confirmed by the fact that University *stationari* had its copy, and made it available for copying in compliance with the *pecia* system.³⁶

The codex in Wolfram's possession was a typical output of the Bolognese production from the late 14th century. Written on parchment in two columns in Italian rotunda (*littera Bononiensis*),³⁷ it

33 Manuscript scans online: <https://polona.pl/item/apparatus-super-libro-sexto-decretalium-absque-fine,NzA0OTM1NzU/4/#info:metadata> [Accessed: 31 March 2023]

34 F. Liotta, 'Baisio, Guido da;', in: *Dizionario Biografico degli Italiani*, vol. 5, Treccani, Roma 1963, pp. 293–297.

35 A. Santangelo Cordani, 'La politica patrimoniale della Chiesa nella dottrina canonistica tra Due e Trecento. La *Lectura super Sexto Decretalium* di Guido da Baisio', in: *Manoscritti, editoria e biblioteche dal medioevo all'età contemporanea : studi offerti a Domenico Maffei per il suo ottantesimo compleanno*, eds. P. Maffei, M. Ascheri, G. Colli, Roma nel Rinascimento, Roma 2006, pp. 1201–1203.

36 *Statuti delle Università e dei Collegi dello Studio Bolognese*, eds. C. Malagola, N. Zanicelli, Bologna 1888, p. 32. More on the *pecia* system see J. Destrez, *La „pecia” dans les manuscrits universitaires du XIIIe et du XIVe siècle*, Jacques Vautrain, Paris 1935.

37 See *Catalogus codicum...*, vol. 2, p. 127. See also A. Derolez, *The Palaeography of Gothic Manuscript Books: From the Twelfth to the Early Sixteenth Century*, Cambridge University Press, Cambridge 2003, p. 111.

was also large-size (41 x 27.5 cm), this possibly owing to the kind of the material it was made of.³⁸ Its 'luxurious' character is also determined by its ornaments, such as the figural initial showing Guido da Baisio handing a book to a bishop (f. 1r), ornamental and filigree initials, as well as rubrication.³⁹ Although Zofia Ameinsenowa did not assess highly the artistry of those decorations, as seen against the whole book collection of Wolfram this codex stood out as for its elegance.⁴⁰ The use of the text was facilitated with the 'running head', marginal notes containing more important terms, frequently column headers (e.g., 'De summa Trinitate et fide catholica', f. 2r), *maniculae*, and the circled spots some of which may have been added by the scribe.⁴¹

It is hard to precisely define the year and circumstances under which Wolfram acquired this manuscript. He came with it to Padua between 1400 and 1409.⁴² The most likely answer to the question is that he purchased it in Bologna which he may have visited during his mission to Rome in 1407, however, the hypothesis that he bought it in Prague where he began studying canon law in 1408, cannot be refuted, either. He may have bought it from another Pole who had earlier studied in Italy. It may be supposed that Wolfram had that manuscript with him also in 1411 in Padua and in 1413 in Bologna when he studied decrees there. It is impossible to decide whether he continued using this commentary after he had finished studying in Bologna. However, if he did, it is most likely that he resorted to it when lecturing at the University of Krakow. Later on, the manu-

38 In the generally accepted size typology codices whose height and width sum exceeds 671 mm are regarded as large; see C. Bozzolo, E. Ornato, *Pour une histoire du livre manuscrit au Moyen Âge. Trois essais de codicologie quantitative*, Éditions du Centre National de la Recherche Scientifique, Paris 1983, p. 218; S. Bischetti, *La tradizione manoscritta dell' „ars dictaminis” nell'Italia medievale. „Mise en page e „mise en texte”*, De Gruyter, Berlin-Boston 2022, p. 19, <https://doi.org/10.1515/9783110701869> [Accessed: 12 February 2023].

39 Por. *Catalogus codicum...*, vol. 2, p. 127.

40 Z. Ameinsenowa, *Rękopisy i pierwodruki iluminowane Biblioteki Jagiellońskiej*, Zakład Narodowy im. Ossolińskich, Wrocław-Kraków 1958, p. 21.

41 *Catalogus codicum...*, vol. 2, p. 127.

42 See footnote 6.

script disappeared from his book collection, this suggested by the fact that the custom's stamp referring to Wolfram has been scraped off. It is likely that having given up his university career in favour of the Church one, Wolfram sold the manuscript to Gniezno Canon Jakub who took it with him to Padua where he went to study, this confirmed by a clearly visible this time custom's stamp.⁴³

BKKK 94

Manuscript BKKK 94, similarly as BJ 372, is of a 'monographic' character, containing one work only: *Repertorium utriusque iuris* by Giovanni Calderini (d. 1365), doctor of canon law lecturing in Bologna (in 1326–1359).⁴⁴ The paper codex *in folio* was copied by several scribes in two columns. Thanks to the note on f.1r it is known that Wolfram acquired it in 1413, thus during his studies in Bologna.⁴⁵ The *Repertorium* was a kind of a dictionary of terms in civil and canon laws presented alphabetically. It served as a useful tool for a lawyer, allowing to quickly find appropriate formulas and to quote relevant authorities.⁴⁶ For this very reason it was extremely popular, this well confirmed by the preserved manuscripts and one printed edition.⁴⁷ The work can also be found in the book collections of Polish 15th-century lawyers.⁴⁸

- 43 'D. Iacobus conduxit in Paduam die 4 Marcii 1418', BJ 372, f. Ir; por. *Catalogus codicum...*, vol. 2, p. 127. L. Gargan, 'L'enigmatico...', p. 24; idem, 'Nuovi codici «condotti» a Padova nel Tre e Quattrocento', *Quaderni per la storia dell'Università di Padova*, 1989–1990, vol. 22–23, pp. 34–35. As for Canon Jakub see A. Horeczy, *Recepcja...*, pp. 9, 81–82, 350.
- 44 H.J. Becker, 'Calderini, Giovanni', in: *Dizionario Biografico degli Italiani*, vol. 16, Treccani, Roma 1973, https://www.treccani.it/enciclopedia/giovanni-calderini_%28Dizionario-Biografico%29/ [Accessed: 15 March 2023].
- 45 I. Polkowski, op. cit., p. 80.
- 46 D. Quagliioni, *Pietro del Monte a Roma. La tradizione del <<Repertorium utriusque iuris>> (c. 1453). Genesi e diffusione della letteratura giuridico-politica in età umanistica*, Edizioni dell'Ateneo, Roma 1984, p. 26.
- 47 Mirabile Database enumerates 8 manuscripts, however, not mentioning any found in Poland [http://sip.mirabileweb.it/title/repertorium-sive-dictionarium-utriusque-iuris-\(a-h-title/32106](http://sip.mirabileweb.it/title/repertorium-sive-dictionarium-utriusque-iuris-(a-h-title/32106) [Accessed: 23 March 2023]. Calderinus, Johannes, *Repertorium utriusque iuris*, [Basel, Michael Wenssler], 12 December 1474, 2°, GW 05904.
- 48 Calderini's *Repertorium* is in manuscript BJ 472 copied around 1440. See *Catalogus codicum...*, vol. 3, pp. 65–66. It is mentioned in Mikołaj Szkudła's legacy from

BJ 395

This paper medium-sized codex (30 x 21.5 cm) containing a collection of legal texts was copied by several scribes representing different workshops.⁴⁹ For example, the text on ff. 7r-33v was written down by a well-skilled hand in gothico-antiqua with chancery writing features (strongly elongated upper stems of some letters). The part of the work contained on ff. 36r-56r was copied equally meticulously, however, by a different hand (the upper stems not as elongated). The last text, as distinct from the rest of the manuscript, was written down in a single column, hurriedly (text lines are not always straight). What has the major impact on the aesthetical qualities of this text is rubrication (usually of the first word in a paragraph) and initials characteristic of the Bolognese school: an initial with plant motifs (f. 3r, 140r) and filigree initials (f. 11r, 13v).

The note found at the beginning of the manuscript suggests that Piotr Wolfram bought it in Bologna in 1413.⁵⁰ He was able to have placed this note in 1426 at the earliest, since it was only then that he became the Krakow Archdeacon (the dignity pointed to in the note). It also shows that the manuscript remained in his book collection, serving him as a set of references as for indices and legal repertory. The paper itself is dated to around 1411: this year was written down in the book's colophon by one of the scribes.⁵¹

The first work to be found in the codex, titled *Registrum super Speculo secundum ordinem alphabeticum*, is a commentary (preceded by an alphabetical index) on the *Speculum iudiciale* by Guillaume

1500, see 'Biblioteki kapituł katedralnych w Gnieźnie i Poznaniu w XV i pocz. XVI wieku', *Archiwa, Biblioteki i Muzea Kościelne*, 2014, vol. 102, p. 285.

49 Scans available online: <https://polona.pl/item/textus-iuridici-de-peccatis,NzI-yMDA2Nzc/16/#info:metadata> [Accessed: 31 March 2023].

50 'Liber repertorium diversorum domini Petri Fabiani de Wolfram archidiaconi Cracoviensis, licenciati in decretis in Studio Bononiensi. Anno Domini 1413 ibidem comparatus', BJ 395, f. 1r. See *Catalogus codicum...*, vol. 2, p. 175.

51 'Explicit hoc opusculum 1411 penultima die mensis Maii', BJ 395, f. 190v. This explicit quoted with a spelling error (1441) in: *Catalogus codicum...*, vol. 2, p. 173.

Durand (d. 1296), a French canonist and civilist, educated in Bologna.⁵² The author of the commentary was not mentioned in BJ 395, yet when comparing this text with the 15th-century printed edition of Durand's works it can be deduced that these are the *Additiones* to *Speculum iudiciale* written by the outstanding Bolognese commentator and doctor of both laws Baldus de Ubaldis (1327–1400). He benefitted from the earlier *Additiones super Speculo* authored, in turn, by an equally important legal authority Giovanni d'Andrea (d. 1348).⁵³

The *Speculum* itself was a kind of an encyclopaedical compilation of canon and civil laws, containing numerous real-praxis cases, and respective issues were presented in a transparent way, that is why it was eagerly used at schools and courts.⁵⁴ Wolfram may have used the work during his law studies in Bologna, since the statutes of the University of Bologna for lawyers obliged the *stationari* to have a copy of the *Repertorium D. Guillelmi Durantis*.⁵⁵ Although a part of the curriculum there, it was used among the circles of the University of Prague in the 2nd half of the 14th century.⁵⁶ Mikołaj Kicki had the *Additiones ad Speculum iudiciale Guillelmi Durantis* in his

- 52 Inc. 'Abolicio vide bene tractatum in Speculo', BJ 395, ff. 6v–33v. See *Catalogus codicum...*, vol. 2, p. 172. F.J. von Schulte, *Die Geschichte der Quellen und Literatur des canonischen Rechts von Gratian bis auf die Gegenwart*, vol. 2, *Die Geschichte der Quellen und Literatur von Papst Gregor IX. bis zum Concil von Trient*, Verlag von Ferdinand Enke, Stuttgart 1877, pp. 144–147; L. Falletti, 'Guillaume Durand', in: *Dictionnaire de Droit Canonique*, vol. 5, Letouzey et Ané, Paris 1953, pp. 1014–1075.
- 53 The text defined in the explicit as *Regestrum super Speculo Guilelmi Duranti*, BJ 395, f. 33v; see *Catalogus codicum...*, vol. 2, p. 172. See also G. Murano, 'Baldo degli Ubaldi', in: *Autographa : autografi di italiani illustri*, vol. 1, *Giuristi, giudici e notai (sec. XII–XVI med.)*, ed. G. Murano, Clueb, Bologna 2012, p. 107. 15th-century printed edition: Baldus de Ubaldis, *Aureum repertorium super speculo Guilielmi Durantis. Singularia speculatoris Durantis ad causas cottidianas collecta*, Roma, Bartholomäus Guldinbeck, ca 1482/1485, 2°; see GW M48700.
- 54 More on the *Speculum iudiciale*, see K.N. Nörr, 'A propos du Speculum iudiciale de Guillaume Durand', in: *Guillaume Durand, évêque de Mende (v. 1230–1296). Canoniste, liturgiste et homme politique. Actes de la Table Ronde du C.N.R.S., Mende 24–27 mai 1990*, ed. P.M. Gy, Editions du Centre National de la Recherche Scientifique, Paris 1992, pp. 63–71.
- 55 *Statuti delle Università...*, pp. 32, 91.
- 56 This work was also owned by Adam of Nežetic (d. 1414), Prague decree doctor, J. Grant, *For the Common Good : The Bohemian Land Law and the Beginning of the Hussite Revolution*, Brill, Leiden 2014, p. 42.

library: he brought the book with him when he came to study in Padua.⁵⁷

Directly following the repertory of the *Speculum iudiciale*, on the same leaf, there starts a brief treatise on distinguishing mortal and light sins, attributed to Mathew of Krakow (ca 1345–1410), an outstanding theologian, academic teacher in Prague and Heidelberg, later Bishop of Worms.⁵⁸ The work containing a clear presentation of moral rules was a helpful reference for confessors.⁵⁹ The fact that the treatise of Mathew of Krakow is to be found in Wolfram's Bolognese manuscript suggests that it had its manuscript circulation in Italy. In other 15th-century manuscripts this treatise surrounded by Italian legal texts can also be found.⁶⁰

What could be found as assistance to Wolfram in his legal career was the *Tabula super Decretalibus* included in manuscript BJ 395 as an anonymous work.⁶¹ Previously in literature it was assumed that

57 This testified to by the Padua custom's stamp on his manuscript; see L. Gargan, *Nuovi codici...*, p. 34, no. 15; M. Czyżak, 'Łęgat książkowy archidiacona Mikołaja Kickiego dla katedry gnieźnieńskiej. Przyczynek do kultury intelektualnej duchowieństwa wielkopolskiego w pierwszej połowie XV wieku', *Ecclesia. Studia z Dziejów Wielkopolski*, 2010, vol. 5, pp. 13, 20.

58 Inc. 'Ad sciendum, quando peccatum aliquid sit mortale vel veniale, nota quinque regulas', expl. 'Istud composuit sapientissimus sacre pagine professor, magister Matheus de Cracovia et cum hoc arcium valentissimus et cetera', BJ 395, ff. 55r–56r; *Catalogus codicum...*, vol. 2, p. 173. Some scholars are of the opinion that the treatise was authored by the theologian Henry of Langenstein (ca 1325–1397), see M. Nuding, *Matthäus von Krakau. Theologe, Politiker, Kirchenreformer in Krakau, Prag und Heidelberg zur Zeit des Großen Abendländischen Schismas*, Mohr Siebeck, Tübingen 2007, p. 255; "*Clavis scriptorium*" et operum Medii Aevi Poloniae, comp. J. Kaliszuk et al., Homini, Kraków 2019, pp. 551–552, no. 460/6, http://otwartehistorie.pl/wp-content/uploads/2020/09/Clavis_corpus.pdf [Accessed: 27 March 2023].

59 'Mateusza z Krakowa opuscula theologica dotyczące spowiedzi i komunii', eds. W. Seńko, A.L. Szafrański, ATK, Warszawa 1974, pp. 164–166, 317–324.

60 The treatise of Matthew of Krakow in a 15th-century manuscript (London, British Museum, Royal 10 B IX) is found next to a legal dictionary and treatises as well as texts by Italian Humanists; <https://www.bl.uk/catalogues/illuminatedmanuscripts/record.asp?MSID=7491> [Accessed: 3 March 2023]. A manuscript with the above-mentioned treatise of Matthew of Krakow surrounded by similar texts as in BJ 395 was found in the library of the Church of Sts Peter ad Paul in Legnica; see W. Gemoll, *Die Handschriften der Petro-Paulinischen Kirchenbibliothek zu Liegnitz*, Carl Seyffarth, Liegnitz [1900], p. 54, no. 55. See also W. Seńko, 'Dzieła Mateusza z Krakowa w rękopisach bibliotek europejskich', *Przegląd Tomistyczny*, 1988, vol. 4, pp. 75–107.

61 'Incipit tabula super Decretalibus. Prompte volentibus per hoc opusculum in Decretalibus et super Decretales secundum apparatus ordinarius (...) Abbas, ubi appellacio', BJ 395, ff. 60r–135r.

the alphabetical concordance had been authored by Johannes de Deo, a canonist from Portugal, professor of canon law in Bologna in the 13th century.⁶² However, lately Giovanna Murano has demonstrated that its author was the Dominican Friar Willian of Paris (*Guillelmus Parisiensis*).⁶³

A similarly useful tool could be seen in a concordance to the Old and New Testaments and decrees copied in 1411.⁶⁴ The concordance was included as an anonymous work. In the first printed editions of the concordance Johannes Nivicellensis, Abbot at Joncels, professor of canon Law at Montpellier (1340-1346), was given as its author.⁶⁵ The work in question is also known from several other Krakow manuscripts, including another one copied in Padua in 1418 (BJ 1595), which demonstrates that the text circulated within the Italian university circles.⁶⁶ The work may have been helpful to

62 *Catalogus codicum...*, vol. 2, p. 173; por. F.J. von Schulte, op. cit., vol. 2, p. 99.

63 G. Murano, 'La tradizione delle opere di Iohannes de Deo ed il ms Roma, Biblioteca Casanatense 1094 (A.II.10)', *Mediaevalia. Textos e Estudos*, 2007, vol. 26, pp. 27-31, <http://ojs.letras.up.pt/index.php/mediaevalia/article/view/785> [Accessed: 2 March 2023]; eadem, *Initia operum Iuris canonici Medii Aevi. A shortlist of works, arranged by their incipit words*, <https://home.uni-leipzig.de/jurarom/manuscr/murano/init-ican.html> [Accessed: 25 March 2023]. Mirabile Database which records 19 other manuscripts with the work gives Guillelmus Parisiensis as its author [http://www.mirabileweb.it/title/tabula-super-decretales-et-decreta-\(prompte-volent-title/14002](http://www.mirabileweb.it/title/tabula-super-decretales-et-decreta-(prompte-volent-title/14002) [Accessed: 28 March 2023].

64 Inc. 'In principio creavit Deus celum et terram', BJ 395, ff. 140r-190v; por. *Catalogus codicum...*, vol. 2, p. 173.

65 [Pseudo-]Johannes Nivicellensis, *Concordantiae Bibliae et Canonum*; [Nikolaus Kessler, Basel ca. 1488], 2°; [Johann Amerbach] Basel 31.I.1489, 2°; [Basel: Nikolaus Kessler, ca. 1488], 2°; por. M14405, M14407 <https://gesamtkatalogderwiegendrucke.de/docs/JOHANIV.htm>. On Johannes Nivicellensis see H. Gilles, 'Un canoniste oublié: l'abbé de Joncels', *Revue historique de droit français et étranger*, Quatrième série, 1960, vol. 37, pp. 578-602; *Repertorium Biblicum Medii Aevi*, ed. F. Stegmüller, vol. 3, *Commentaria. Auctores H-M*, CSIC-Instituto Francisco Suárez, Madrid 1951, p. 400.

66 W. Wisłocki, op. cit., part 1, p. 386. The concordance also in manuscripts BJ 323, 1214, 1410; see. *Catalogus codicum...*, vol. 1, *Numeros continens inde ab 8 usque ad 331*, comp. M. Kowalczyk et al., Institutum Ossolinianum Officina Editoria, Wratislaviae 1980, p. 417; vol. 7, *Numeros continens inde a 1191 usque ad 1270*, comp. M. Kowalczyk et al., Bibliotheca Jagellonica-Officina Editoria "Księgarnia Akademicka", Cracoviae 2000, p. 111; vol. 9, *Numeros continens inde a 1354 usque ad 1430*, comp. M. Kowalczyk et al., Bibliotheca Jagellonica-Officina Editoria "Księgarnia Akademicka", Cracoviae 2008, p. 421.

Wolfram when, e.g., composing sermons. Its use was facilitated by the 'running head', rubrication, and notes in the margins containing titles of Bible books and numbers.

At the very end there was the *Repertorium super Innocentio*, an alphabetical index to the commentary (*Apparatus*) by Pope Innocent IV. The author of that repertory was afore-mentioned Baldus de Ubaldis, actually mentioned in the explicit.⁶⁷ The work was used to teach canon law (it was on the list of books that Bolognese *stationari* had to have), and its popularity can be judged by the number of its preserved manuscript copies.⁶⁸

BJ 344

As can be seen in the note included by him, Piotr Wolfram bought the texts contained in manuscript BJ 344 in Bologna in 1413, however, not in the form of a ready codex, only loose quires.⁶⁹ In a way, he was the 'author' of that collection, since through the selection of works he had a decisive impact on the profile of the codex.⁷⁰ The utilitarian nature of manuscript BJ 344 and Piotr Wolfram's intellectual formation can be seen in the index he included on f. Ir. The terms he used there show what he knew about the given work and its author, what the texts could serve him for, and which of them were important to him. Wolfram enumerated the following as the authors: Giovanni Calderini, Francesco Zabarella, Peter

67 Inc. 'Abbas potest licenciare monachum', expl. 'Finis est Repertorii super Innocencio compilati a famosissimo utriusque iuris doctore domino Baldo de Perusio (...)', BJ 395, ff. 194r–273v; por. *Catalogus codicum...*, vol. 2, p. 174.

68 *tatuti delle Università...*, p. 32; F.J. von Schulte, op. cit., vol. 2, p. 276. Mirabile Database records 15 manuscripts containing Bald's *Repertorium*, however, it does not mention any manuscript from the territory of Poland; <http://www.mirabileweb.it/title/repertorium-super-innocentium-title/13825> [Accessed: 20 March 2023]. Bald's *Repertorium* has also been preserved in manuscript BKKK 127, see I. Polkowski, op. cit., p. 91.

69 'Collecta per dominum Petrum de Wolfram in Bononia licenciatum in decretis anno et cetera M CCCC XIII', BJ 344, f. Ir; por. *Catalogus codicum...*, vol. 2, p. 34.

70 On the role of a client and reader as 'author' of a mediaeval manuscript see E. Kwakkel, 'Decoding the Material Book, Cultural Residue in Medieval Manuscripts', in: *The Medieval Manuscript Book. Cultural Approaches*, ed. M. Johnston, M. Van Dussen, Cambridge University Press, Cambridge 2015, pp. 60, 65–70.

of Ancarani, St Augustine, Guillermo/Gwilhelmi, and Damasus.⁷¹ Interestingly, Wolfram defined Zabarella as Florentine Cardinal, although the scribe wrote that he was a doctor of both laws. He was concise with respect to some of the works, e.g., 'Repertorium Policratis', and more descriptive with regard to others, adding also the work's usefulness and value, e.g., 'Speculum sacerdotum circa omnia sacramenta ecclesiastica valde bonum' or 'Brocardica Damasi satis pulcra'. He treated collectively the rhetorical works which were placed at the end as forming the category of university orations: 'collaciones seu recomendaciones', not distinguishing in any way two last works included here as anonymous: a fragment of the *Secretum Secretorum* by Pseudo-Aristotle and of a Petrarch's letter from the *Liber sine nomine*.

The texts included in the codex were copied by several scribes, possibly on Wolfram's commission. Two of them: Nicolaus Spreet de Hamborch and Johannes Fredeberg were most likely of German descent.⁷² The first of them, according to the information in the colophon, completed his work on 18 February 1413, thus at the time when Wolfram could no longer be studying in Bologna.⁷³ The third

- 71 'Hii libri continentur in isto volumine: primo Concordancie Biblie cum iure canonico domini Io[hannis] Kalder[ini]. Item adiecciones Glossarum Sexti et Cle[mentinarum] secundum dominum Fran[ciscum] cardinalem Florentinum. Item Speculum sacerdotum circa omnia sacramenta ecclesiastica valde bonum. Item Repertorium super libro beati Augustini De civitate Dei. Item Repertorium Policratis. Item contrarietas glossarum et soluciones ipsarum in toto corpore iuris canonici patris domini Gwilhelmi. Item Tractatus de ecclesiastico interdicto patris domini Iohannis Kalderini. Item Repeticio domini P[etri] de Anharano de permixta iurisdiccione spirituali et seculari. Item forma absolucionis omnium peccatorum et facultas penitenciariorum domini pape. Item Brocardiaca Damasi satis pulcra. Ultimo aliquae collaciones seu recomendaciones', BJ 344, f. Ir; por. *Catalogus codicum...*, vol. 2, p. 33.
- 72 Although the attempt at identifying them among the German-nation students in Bologna have failed, it cannot be ruled out that they were students gaining some income by copying. More on foreign copyists in Italy see G. Pomaro, 'Copisti stranieri in Italia nei sec. XIV e XV in Codex - Inventario dei Manoscritti Medievali della Toscana', in: *Palaeography, Manuscript Illumination and Humanism in Renaissance Italy: Studies in Memory of A. C. de la Mare*, eds. R. Black, J. Kraye, L. Nuvoloni, The Warburg Institute, London 2016, pp. 127-427.
- 73 BJ 344, f. 56v. It was with his had that the texts were copied on ff. 1-56v, 60r-76r, 211r-221r, 223r-238v; see *Catalogus codicum...*, vol. 2, p. 28.

signed his name in the colophon as 'Guillemmus de Athus iusta [!] Parisius'.⁷⁴

The codex as such is of a utilitarian character, in majority copied in two columns (except for ff. 185v-210v where the text is written in a single column), which allowed to include more content on one page. Fast information finding could be facilitated with simple red calligraphic initials and rubrication (ff. 1r-56v), or by simple initials written in the same ink or first letters in an enlarged font (ff. 60r-80v).⁷⁵ Some of the texts were written down hurriedly.⁷⁶ There were quite broad margins left for possible glosses or marginalia.

This manuscript contains mainly repertories and concordances. The first of them is the *Tabula auctoritatum et sententiarum Bibliae cum concordantiis decretorum et decretalium* composed by Giovanni Calderini.⁷⁷ It encompasses keywords starting with subsequent alphabet letters (from 'Aron' to 'Zizania'), followed by excerpts from canon law combined with relevant biblical references.⁷⁸ The concordance enjoyed high popularity, also within the Krakow circles.⁷⁹

74 BJ 344, f. 183v; see *Catalogus codicum...*, vol. 2, p. 30. It should be assumed that it was a little town near Paris (iuxta instead of iusta), most likely Athys (Atheiae) near Paris, and not Athus now in Belgium, see. *Patrologiae Cursus Completus : Series Latina*, vol. 200, *Alexander III pontifex Romanus*, J.-P. Migne, Lutetia Parisiorum 1855, p. 215.

75 *Catalogus codicum...*, vol. 2, p. 33.

76 E.g.l. *Contrarietates glossarum* (ff. 185r-195v), where the scribe left one empty page (F. 195r), which was also recorded in an added note informing to turn the page (at the bottom of f.194v).

77 Explicit tabula auctoritatum et sentenciarum Biblie inductarum in compilationibus Decretorum et Decretalium quotatarum domini Iohannis Calderini decretorum doctoris', BJ 344, ff. 1r-56v, por. *Catalogus codicum...*, vol. 2, pp. 28-29.

78 D. Claes, 'Adam per Evam deceptus est, non Eva per Adam. Biblical repertoria in fourteenth century canon law', in: *Aspects of Genre of and Type in Pre-Modern Literary Cultures*, eds. B. Roest, H.L.J. Vanstiphout, Brill, Leiden 1999, p. 5.

79 Mirabile Database records 16 manuscripts with this work (no Polish ones), <http://www.mirabileweb.it/title/tabula-auctoritatum-et-sententiarum-bibliae-cum-co-title/3967> [Accessed: 23 March 2023]. The repertorium is also found in manuscripts BJ 323, BUW1 II Q 17, and II Q 18; see *Catalogus codicum...*, vol. 1, pp. 416-419; W. Göber, *Katalog rękopisów dawnej Biblioteki Uniwersyteckiej we Wrocławiu*, vol.18, II Q 3a-48 i III Q 1-31, ff. 10-12 <https://www.bibliotekacyfrowa.pl/dlibra/publication/10516/edition/18838> [23 March 2023]. The work had already had two printed editions in the 15th century, GW 5896 i 5897; see A. Bartocci, 'Giovanni Calderini', in: *Autographa...*, vol. 1, p. 76.

The next work is titled *Apostille Sexti et Clementinarum clarissimi utriusque iuris doctoris Francisci de Zabarellis, que exemplate sunt ex Sexto et Clementinis suis*, and to-date it has been known only from manuscript BJ 344.⁸⁰ The text analysis shows that it is a kind of a gloss to Francesco Zabarella's comment on the *Liber Sextus*. The author of the *Apostille* contained in BJ 344 remains unknown. Importantly, the notations called *apostillae*, *additiones* or *suppletiones* could have also been written by well-known canonists or civilists.⁸¹ Furthermore, the term *exemplate* may point to the fact that they were copied from another manuscript containing such glosses, and not written down in the course of a lecture conducted by a professor using Zabarella's commentary. It should be assumed that the discussed *Apostille* were authored after 1385 and before 1409, since Zabarella was described in them only as a doctor of both laws, and not as Florence Cardinal.⁸² Zabarella was an extremely important authority to Polish lawyers: Paweł Włodkowic studied under him and also referred to his thought. It was particularly Zabarella's commentaries on the *Decretals* that were popular within the Krakow bar.⁸³

The two subsequent texts are connected with the circle of Italian intellectual culture. The first of them is a textbook for priests *Speculum manuale sacerdotum* by the Augustinian friar Hermann von Hildesche (d. 1357), professor of theology in Würzburg,⁸⁴ the book

80 Inc. 'In glossa, in verbo: Titulus. Signa glosse: Quia singularis', BJ 344, ff. 60r-77r; see *Catalogus codicum...*, vol. 2, p. 29; J. Fijałek, op. cit., p. 38. The work is also mentioned by G. Murano though not identifying its author, see eadem, *Initia operum...*, <https://home.uni-leipzig.de/juram/manuscr/murano/initican.html> [Accessed: 25 March 2023].

81 Let us recall here e.g., *additiones* to *Speculum iudiciale* by Guillaume Durand; see R.H. Helmholz, *The spirit of classical canon law*, University of Georgia Press, Athens-Georgia 2010, p. 29.

82 Por. C. Valsecchi, 'Zabarella, Francesco', in: *Dizionario Biografico degli Italiani*, vol. 100, Treccani, Roma 2020, https://www.treccani.it/enciclopedia/francesco-zabarella_%28Dizionario-Biografico%29/ [Accessed: 28 March 2023].

83 they are found in manuscripts BJ 354, 355, 358. In manuscript BJ 403 there are seven Zabarella's repetition; see *Catalogus codicum...*, vol. 2, pp. 83-87, s. 93, 187-195.

84 Inc. 'Speculum clarum et nobile et preciosum omnium sacerdotum', BJ 344, ff. 77v-80v, por. *Catalogus codicum...*, vol. 2, p. 29. More on Hermann von Schildesche, see A. Zumkeller, 'Hermann von Schildesche', in: *Lexikon für die Theologie*

having been extremely popular north of the Alps. The second is the *Tabula super librum beati Augustini de civitate Dei*,⁸⁵ an alphabetical concordance facilitating the use of St Augustine's works, previously attributed to Robert Kilwardby (d. 1279) a Dominican friar, Archbishop of Canterbury (from 1272), and educated in Paris and Oxford.⁸⁶ It enjoyed the highest popularity in the 14th and 15th century, which is not surprising, since St Augustine was one of the most quoted authorities in sermons of the period.⁸⁷ Piotr Wolfram, too, quoted St Augustine, e.g., in his sermon addressed to clergy on the feast day of the Annunciation of Our Lady in 1424, in which he focused on disobedience (*inobedientia*) for which he could find the quoted concordance useful.⁸⁸

und Kirche, vol. 4, Herder, Freiburg-Basel-Wien 2004, p. 1446. Mirabile Database records as many as 136 manuscripts with this work, but only 5 preserved in Italian libraries; see <http://sip.mirabileweb.it/title/speculum-manuale-sacerdotum-title/149> [Accessed: 30 March 2023].

- 85 Inc. 'Tabula super librum b. Augustini De civitate Dei. Ut de infra scripta tabula plenior noticiam habere valeas', BJ 344, ff. 81r-140v; see *Catalogus codicum...*, vol. 2, pp. 29-30.
- 86 See H. Lagerlund, P. Thom, 'Introduction: the life and philosophical works of Robert Kilwardby', in: *A Companion to the Philosophy of Robert Kilwardby*, eds. H. Lagerlund, P. Thom, Brill, Leiden 2012, pp. 1-7. The attribution to Robert Kilwardby was questioned by A. Brix, see idem, 'La Tabula De ciuitate Dei dite de Robert Kilwardby : Problèmes d'attribution et tradition manuscrite', *Revue d'études augustinienes et patristiques*, 2014, vol. 60, no. 1, pp. 125-146.
- 87 Out of 18 manuscripts recorded by A. Brix only one is from the 13th century; see idem, op. cit., pp. 132-134. Brix's list is incomplete: in Polish libraries alone apart from BJ 344 there are at least 7 more manuscripts containing this concordance, see F. Römer, *Die handschriftliche Überlieferung der Werke des heiligen Augustinus*, vol. 3, *Polen. Anhang: Die Skandinavischen Staaten Dänemark-Finnland-Schweden*, Verlag der Österreichischen Akademie der Wissenschaften, Wien 1973, pp. 27, 29, 63, 187, 203, 228, 232. On references to St Augustine in late mediaeval sermons see L. Grzybowska, *Kazania <<de tempore>> i <<de sanctis>> Mikołaja z Błonia. Zarys monografii*, Instytut Badań Literackich PAN, Warszawa 2020, pp. 115, 132, 153, 154, 189, 204, 219, 226, 237-240.
- 88 *Sermo ad clerum de anunciatione beate Marie virginis et conceptione Christi*, inc. 'Ecce ancilla domini', BUWr I Q 87, ff. 189v-198v. The concordance *De civitate Dei* features the entry *inobedientia* (BJ 344, f. 106r), which sends the reader to Book 14, Chapter 15. The following fragment from Piotr Wolfram's sermon may suggest that he benefitted from that concordance: 'In paradiso inquit tanta maior inobediencia fuit quanto illud quod perceptum est nullius fuit difficultis' BUWr I Q 87, f. 191v; see Sancti Aurelii Augustini, *De civitate Dei libri XI-XXII*, ed. B. Dombart, A. Kalb, Typographi Brepols Editores Pontifici, Turnholti 1955, p. 437. As demonstrated by L. Grzybowska's research into the sermons of Mikołaja of Błonie, the use of quotes

Wolfram could find a similar aid in his lawyer's and preacher's work in the next alphabetical concordance: the *Tabula super Policraticum*. As shown in the explicit, the title *Policraticus* of the work of John of Salisbury was used here as the author's name, in harmony with the convention known also from other mediaeval manuscripts.⁸⁹ Italian lawyers often referred to that work, particularly when discussing the issues related to social ethics. The author of the discussed concordance was afore-mentioned canonist Giovanni Calderini. The *Tabula* presented quotations from the *Policraticus* in an alphabetical order on a given topic (e.g., virtue, man, death, etc.).⁹⁰ The utilitarian purpose of the concordance is confirmed by *maniculae* placed in the margins and pointing to the places of higher relevance. It can be assumed that Wolfram used it in order to find the right quotation from the *Policraticus*. The latter was the work he referred to e.g., in his 1424 sermon.⁹¹ The *Policraticus* was relatively popular with the Krakow circle, this demonstrated by the number of the preserved manuscripts (apart from the discussed one there are still five more kept in the Jagiellonian Library), as well as references made to it in various types of texts, particularly in university speeches and sermons.⁹² The work of John of Salisbury together with its concordance was also owned by the Krakow professor of

in compliance with the topic imposed by the kind of a tool (florilegium, concordance), was a common praxis, see eadem, op. cit., p. 221.

- 89 Inc. 'Abraham volens ymolare Ysaac', expl. 'Explicit tabula Policratis philozophy magni', BJ 344, k. ff. 141-183v; see *Catalogus codicum...*, vol. 2, p. 30, 31. The same colophon was found in the manuscript from the former library of the Collegiate Church of Ss Peter and Paul in Legnica (Call no. 50), see W. Gemoll, op. cit., p. 54.
- 90 W. Ullmann, 'The Influence of John of Salisbury on Medieval Italian Jurists', *The English Historical Review*, 1944, vol. 59, no. 235, pp. 384-385; M. Kerner, 'Johannes von Salisbury im späteren Mittelalter', in: *Das Publikum politischer Theorie im 14. Jahrhundert*, eds. J. Miethke, A. Bühlerpp, R. Oldenbourg Verlag, München 1992, pp. 42-43.
- 91 'Ita ut verbis utar Policratici quibus nec vita ad meritum nec ad doctrinam sciencia sed nec opera serviunt ad exemplum', BUWr I Q 87 f. 195v <https://www.bibliotekacyfrowa.pl/dlibra/publication/38708/edition/135687/content> [Accessed: 31 August 2023]; see Ioannis Saresberiensis episcopi Carnotensis *Policratici sive de nugis curialium et vestigiis philosophorum libri VIII*, ed. C.I. Clemens, A.M. Webb, E typographo Clarendoniano, Oxonii 1909, p. 226.
- 92 The *Policraticus* is to be found in manuscripts BJ 479, 480, 481, 482, 483; see *Catalogus codicum...*, vol. 3, pp. 84-90, 92-95. See also M. Kowalczyk, *Krakowskie mowy...*, pp. 48, 80; L. Grzybowska, op. cit., pp. 56, 245-246, 297, 361, 422, 461.

law Jan of Dąbrówka who referred to it in his commentary on the chronicle of Master Vincentius.⁹³

There was another work titled in the explicit as *Contrarietates glossarum domini Guilhelmi* that was associated with law studies in Bologna.⁹⁴ Previously, it was attributed to the Bologna canonist Galvano Becchini (d. before 1395). It remains unknown whether Guilhelmus mentioned in the explicit is the version of the name Galvanus distorted by the scribe, or whether it refers to a different person (a certain 'Wilhelm'). In the light of the latest findings, the *Contrarietates* were a compilation put together by Cino da Pistoia who attended Galvano's lectures in Bologna, and collected the Master's *repetitiones* and *disputationes*.⁹⁵ The method called *solutio contrariorum* consisting in harmonizing contradicting texts worked out by Bolognese lawyers in the 12th century was widely used in various texts.⁹⁶ The *Contrarietates* were most popular in the late 14th century and in the first decades of the 15th century. They can be found in three more Krakow manuscripts from the similar period (two of them copied in Italy).⁹⁷

What follows is Giovanni Calderini's treatise *De interdicto ecclesiastico*.⁹⁸ Its presence could, on the one hand, result from Wolfram's

93 W. Szelińska, 'Dwa testamenty Jana Dąbrówki. Z dziejów życia umysłowego Uniwersytetu Krakowskiego w połowie XV wieku', *Studia i Materiały z Dziejów Nauki Polskiej*, series A, 1962, no 5, p. 1-40.

94 Inc. 'Glosas contrarias ordinarias in iure canonico', expl. 'Expliciunt contrarietates glossarum domini Guilhelmi', BJ 344, ff. 185r-196v, see *Catalogus codicum...*, vol. 2, p. 30.

95 Por. L. Prosdociami, 'Becchini Galvano', in: *Dizionario Biografico degli Italiani*, vol. 7, Treccani, Roma 1970, pp. 496-497.

96 K. Pennington, W. P. Müller, 'The Decretist: The Italian School', in: *The History of Medieval Canon Law in the Classical Period, 1140-1234. From Gratian to the Decretals of Pope Gregory IX*, eds. W. Hartmann, K. Pennington, The Catholic University of America Press, Washington D.C. 2008, p. 160.

97 Manuscripts BJ 349 and 403 were copied in Italy, BJ 327 in Prague; see *Catalogus codicum...*, vol. 1, p. 458, 463; vol. 2, pp. 72-76, 187-195. Mirabile Database enumerates 8 more manuscripts with this work found in foreign libraries <http://www.mirabileweb.it/title/contrarietates-glossarum-iuris-canonici-casus-et-c-ti-tle/125673> [Accessed: 9 March 2023].

98 Inc. 'Quamvis dubia plura circa materiam ecclesiastici interdicti', expl. 'Explicit tractatus de ecclesiastico interdicto domini Iohannis Calderini decretorum doctoris', BJ 344, ff. 198-210v; see *Catalogus codicum...*, vol. 2, p. 30.

Italian law studies, since at that time the interdict question was being discussed by Italian canonists, while on the other, from the practical purpose of the work, since it contained the list of what was allowed and banned in an interdict.⁹⁹ In manuscript BJ 344 the treatise was of a clearly utilitarian character thanks to the 'running header', the presence of *maniculae* pointing to the places of higher relevance, and the marginalia referring to respective issues discussed in the text.¹⁰⁰ The treatise, next to the *Consilia* and *Repetitiones*, ranked among the most popular writings of the canonist, also in Krakow, this testified to by the preserved manuscripts.¹⁰¹

The subsequent text: *Questio disputata de laico homicida qui se promoveri fecit ad sacerdotium* related to the practical application of canon law is of a similar character.¹⁰² The issue concerning a murder committed by a lay person after having been ordained was discussed in Bologna in 1412 by the famous canonist Pietro d'Ancarani (d. 1415), author of commentaries on the *Decretales*, *Liber Sextus*, and *Consilia*.¹⁰³ The argumentation for the issue was supposedly provided by the Benedictine Nicolaus de Tudeschis (Panormitanus) of Sicily (d. 1445) who ran academic courses in Bologna as of 1411.¹⁰⁴

99 T. Woelki, 'L'interdetto ecclesiastico nella dottrina di Francesco Zabarella', in: *Diritto, chiesa e cultura nell'opera di Francesco Zabarella, 1360-1417*, ed. C.M. Valsecchi, F. Piovan, Franco Angeli, Milano 2020, p. 91.

100 'Casus in quibus in ecclesia celebrari non licet', 'An speciale interdictus potest relaxari ad cautelam', BJ 344, f. 199r.

101 BJ 343, 348, 403, 412, 1483, see *Catalogus codicum...*, vol. 2, pp. 27-28, 37-72; 187-196, 217-220; vol. 10, *Numeros continens inde a 1431 usque ad 1500*, comps. A. Kozłowska et. al., Bibliotheca Jagellonica-Officina Editoria "Księgarnia Akademicka", Cracoviae 2012, pp. 256, 258-260. Its popularity can be testified to by two printed 15th-century editions, see GW 5902 and 5903; F. von Schulte, op. cit., vol. 2, pp. 250-251.

102 Inc. 'Laycus quidam propter homicidium, quod comisit', expl. "Disputata fuit dicta questio per me Petrum de Ankrano, iuris utriusque doctorem in hac alma civitate Bononiensi (...) in qua publice ad utramque partem omnibus argumentibus respondit (...) dominus Nycolaus monasterii sancti monachus (...) de Cylia, qui mihi materiam disputandi prebuit (...) M CCCC XII die XXIII Aprilis', BJ 344, ff. 211r-221r; por. *Catalogus codicum...*, vol. 2, pp. 30-31.

103 Por. G. Murano, 'Pietro d'Ancarani (1350 ca-1415)', in: *Autographa...*, p. 118.

104 Por. K. Pennigton, 'Nicholaus de Tudeschis (Panormitanus)', in: *Niccolò Tedeschi (Abbas Panormitanus) e i suoi Commentaria in Decretales*, ed. O. Condorelli, Il Cigno Galileo Galilei, Roma 2000, pp. 9-36.

Piotr Wolfram may have addended Pietro d'Ancarano's lectures, and also contacted him at the Council of Constance. The presence of this work in Wolfram's book collection reflects his Italian background, and his attitude to applying canon law in daily practice. It seems that the discussed text known from a scarce number of manuscripts was a novelty amidst the Krakow bar.¹⁰⁵

A certain coherent whole is composed of the three subsequent texts: the formula for administering absolution in *articulo mortis*, privileges of apostolic penitentiaries together with the list of issues falling within their jurisdiction, accompanied by the voice of the French canonist Guillaume de Montlaurzun (d. 1342) related to bishops' reserves.¹⁰⁶ These texts may have been copied in Italy from a manuscript with the Apostolic Penitentiary form.¹⁰⁷ The presence of these texts may suggest that when studying in Bologna, Piotr Wolfram was planning a curial career, possibly an office at the Apostolic Penitentiary.

The text defined as *Repertorium Brocardice Damasi* contained in BJ 344 may, in turn, refer to Wolfram's law studies' curriculum.

- 105 Mirabile Database records 6 manuscripts with this issue (not including BJ 344) <https://www.mirabileweb.it/title/quaestio-disputata-de-laico-homicida-qui-se-promov-tit/8700> [Accessed: 20 March 2023]. Another Pietro d'Ancarano's question and *repetitio* can be found in manuscript BJ 403 copied in Padua in the early 15th century, while two other Krakow manuscripts (BJ 1487 and BCzart 1242) contain this author's *Consilium de schismate*; see *Catalogus codicum...*, vol. 2, pp. 192, 194; vol. 11, pp. 293, 296–297; A. Horeczy, *Recepcja...*, pp. 182–183. Paweł Włodkowic in his treatises also made references to Pietro d'Ancarano, S.F. Belch, op. cit., vol. 1, p. 417; W. Świeboda, *Innowiercy w opiniach prawnych uczonych polskich w XV wieku. Paganie, żydzi, muzułmanie*, Wydawnictwo Towarzystwa Naukowego "Societas Vistulana", Kraków 2013, pp. 184–185, 303.
- 106 Inc. 'Forma absolucionis, quando datur plena remissio in morte', BJ 344, f. 221r; inc. 'Privilegia penitenciarum domini pape super hec', BJ 344, ff. 221r–v; inc. 'Isti sunt casus conservati episcopis a iure secundum Wilhelmum de Amduno', BJ 344, f. 222r; see *Catalogus codicum...*, vol. 2, p. 31, F.J. von Schulte, op. cit., vol. 2, pp. 197–198, 513, 518.
- 107 The text of penitentiaries' privileges in BJ 344 is close to the version found in the manuscript in the Biblioteca Apostolica Vaticana, Vat. Lat. 6290, f. 42r https://digi.vatlib.it/view/MSS_Vat.lat.6290 [Accessed: 17 March 2023], differing, however, from the printed version of privileges in: E. Göller, *Die päpstliche Pönitentiarie von ihrem Ursprung bis zu ihrer Umgestaltung unter Pius V.*, vol. 1, *Die päpstliche Pönitentiarie bis Eugen IV.*, part 2, *Quellen*, Verlag von Loescher & Co., Rom 1907, p. 177. Manuscript Vat. Lat. 6920 also contains the *in articulo mortis* absolution formula (f. 24r).

Above-mentioned Damasus, Bolognese canonist from the turn of the 12th and 13th century, was the author of a collection of brocards, namely concise general rules providing legal texts showing arguments in favour and against a definite solution to a given issue.¹⁰⁸ Damasus' collection of brocards was used in academic teaching in Bologna, this testified to by the list of *pecia* in the possession of Bolognese *stationari*.¹⁰⁹ Some researchers were of the opinion that the discussed text is a collection of Damasus's brocards edited by Bartolomeo da Brescia (d. 1258), Bolognese canonist, author of a glossa to the *Decree*.¹¹⁰ He is not, however, mentioned in manuscript BJ 344, and what is more, the *Repertorium* text differs from the brocard collection edited by Bartolomeo which can be found in manuscript BJ 333 copied in the early 15th century in Prague.¹¹¹ The *Repertorium* may have been a useful aid to Wolfram, since there is numbering in the margins, and it is accompanied by a numbered alphabetical index placed at the end.

The last group of texts can be ranked within the rhetorical category. It is made up of five orations delivered at the law university in Bologna, a fragment of the *Secretum secretorum* by Pseudo-Aristotle and Petrarch's letter from the *Liber sine nomine*.¹¹² These

108 For more on the 'brocard' concept see. W. Spargo, 'The Etymology and Early Evolution of Brocard', *Speculum*, 1948, vol. 23, no. 3, pp. 472-476. See also F.J. von Schulte, op. cit., vol. 2, p. 84; H.E. Kantorowicz, 'Damasus', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung*, 1927, vol. 16, pp. 332-340; M. Ascheri, *I diritti del Medioevo italiano. Secoli XI-XV*, Carocci, Roma 2000, p. 217.

109 *Statuti delle Università...*, pp. 33, 92.

110 *Catalogus codicum...*, vol. 2, p. 31. For more on Bartolomeo da Brescia, see. R. Abbondanza, 'Bartolomeo da Brescia', in: *Dizionario Biografico degli Italiani*, vol. 6, Treccani, Roma 1964, pp. 696-697.

111 'Incipiunt Brocarda iuris canonici Bartholomei Brixiensis', BJ 333, ff. 135r-150r. The collection of brocards in BJ 333 opens with the argument ('Argumentum primum. In hiis, que sunt iuris positivi') not to be found in the *Repertorium brocardice* in BJ 344. The argument which opens the brocard collection in manuscript BJ 344 ('Nullus privandus est iure suo'), in manuscript BJ 333 appears as the second, see *Catalogus codicum...*, vol. 2, p. 6. The text in manuscript BJ 333 actually echoes Damasus's collection of brocards as edited by Bartolomeo da Brescia and printed in the 16th century, see *Tractatus illustrium in utraque tum Pontificii, tum Caesarei juris facultate jurisconsultorum*, vol. 18, Franciscus Zilettus, Venetiis, 1584-1586, ff. 506r-512v, <http://nrs.harvard.edu/urn-3:HLS.Lib:9834909?n=1016> [Accessed: 25 March 2023].

112 BJ 344, ff. 239r-247; see *Catalogus codicum...*, vol. 2, pp. 31-33.

speeches follow a scheme typical of mediaeval *sermons* beginning with a biblical quotation chosen as the *verbum thematis*.¹¹³ The attempts at dating the first two of the speeches, of which one was delivered on the occasion of conferring the doctoral degree in civil law to Count Bernard of Saiano near Brescia, have not been successful.¹¹⁴ The latter contains references to ancient legal authorities, such as Ulpian, Papinian, and Celsus (unspecified which one), but also outstanding Roman citizens as Marcus Aurelius and Gaius Mucius Scaevola.¹¹⁵ The second speech on the occasion of receiving the doctoral degree in canon law of an unidentified Lawrence (*Laurentius*) listed the doctoral insignia discussing their symbolism, all this in harmony with the convention applicable at graduation ceremonies (*sermones pro conventuando*).¹¹⁶

Meanwhile, the third oration delivered at a graduation ceremony for the doctoral degree in canon law of the Camaldolese Hieronim can be approximately dated.¹¹⁷ The address enumerates his dissertation's supervisors, illustrious Bolognese professors: Giovanni da Legnano (d. 16 February 1383), Lorenzo de Pinu (d. 1397),

113 See . M. Kowalczyk, *Krakowskie mowy...*, pp. 8–9; S. Wenzel, *Medieval Artes Praedicandi : A Synthesis of Scholastic Sermon Structure*, University of Toronto Press, Toronto 2015, pp. 47–86.

114 Inc. 'Probatus est in illo et perfectus inventus est, Ecclesiastici 31', BJ 344, ff. 239r–v. The following fragments refer to the graduate being conferred the degree: 'in laudem et gloriam huius nobilis et egregii viri domini Bernardi, comitis de Sayano principaliter doctorandi', BJ 344, f. 239r; 'Bernardum nobilitate strenuum genere comite de Sayano', BJ 344, f. 239v; see *Catalogus codicum...*, vol. 2, p. 31. In the secret book of the Bolognese college of doctors of civil law we have been unable to find the Bernard from the oration; yet, it should be borne in mind that this source has some gaps, see *Liber secretus iuris caesarei dell' università di Bologna*, ed. A. Sorbelli, vol. 1, 1378–1420, L'Istituto per la storia dell'Università di Bologna, Bologna 1938.

115 BJ 344, f. 239r.

116 Inc. 'Clarificavi et iterum clarificabo (...) Iohannis 12 c. Humiliter exoro ut mihi in hoc brevissimo brevilquoio', BJ 344, f. 239v. The abbreviation 'La.' for the graduate's name should possibly be given the long form of 'Laurentius'; see *Catalogus codicum...*, vol. 2, p. 32. As for Italian *sermones pro conventuando*, see F. Treggiari, 'La laurea del giurista: le orazioni dottorali di Bartolo da Sassoferrato', in: *Lauree. Università e gradi accademici in Italia nel medioevo e nella prima età moderna*, eds. A. Esposito, U. Longo, Clueb, Bologna 2013, p. 109.

117 Inc. 'Vir stetit veste candida', BJ 344, ff. 239v–240v; ser *Catalogus codicum...*, vol. 2, p. 32.

and Gaspare Calderini (d. 1399).¹¹⁸ The graduate should be identified with Hieronim, Abbot of the Camaldolese Hermitage at Poppien who passed a private exam in canon law in Bologna, and whose supervisors were Giovanni da Legnano and Lorenzo de Pinu.¹¹⁹ It must be assumed that Hieronim's public viva voce combined with the presentation of the doctoral insignia and the delivery of the oration in question took place between 2 May 1378 and 16 February 1383 (the date of Giovanni da Legnano's death).¹²⁰

The fourth doctoral speech delivered at the graduation of two students: Teodoryk Plesiler, abbreviator at the Papal Chancery and for the Meissen Archdeacon, and Jacob of Bohemia can also be approximately dated.¹²¹ Giovanni Canetoli is mentioned in it as the supervisor (d.1407) acting on behalf of the absent Bolognese Arch-

118 The names of the professors attending Hieronim's exams were written down in the manuscript with the initial letters which should be deciphered as follows: 'Jo. de Li.' - 'Johannes de Lignano', 'La. de Pi.' - 'Laurentius de Pinu', 'Gas. de Cal.' - 'Gasparus de Calderinis', BJ 344, f. 240v. For more on these professors see B. Pio, 'Oldrendi, Giovanni (Giovanni da Legnano)', in: *Dizionario Biografico degli Italiani*, vol. 79, Treccani, Roma 2013, pp. 196-200; B. Pieri, 'Lorenzo del Pino sr', in: *Dizionario Biografico dei Giuristi Italiani (XII-XX secolo)*, ed. M. L. Carlino, vol. 2, Lev-Z, Il Mulino, Bologna 2013, p. 162; H.J. Becker, 'Calderini, Gaspare', in *Dizionario Biografico degli Italiani*, vol. 16, Treccani, Roma 1973, pp. 605-606.

119 *Liber secretus iuris pontifici*, Bologna Archivio di Stato, Studio 126, f. 6v.

120 The *Liber secretus iuris pontifici* does not record the public viva voce of mentioned Hieronim, which can results from the gaps in this source, particularly in the parts from 1377-1414; see B. Pio, 'Osservazioni preliminari all'edizione delle più antiche registrazioni del Liber secretus iuris pontifici', in: *Università e formazione dei ceti dirigenti. Per Gian Paolo Brizzi, pellegrino dei saperi*, eds. G. Angelozzi, M.T. Guerrini, G. Olmi, Bononia University Press, Bologna 2015, pp. 56-57.

121 Inc. 'Lux in tenebris lucet, Iohannis 1', BJ 344, ff. 240r-v; 'Theodricus Plesiler archidiaconus Missniensis, abbreviator litterarum apostolicarum noviter doctorandus (...) nobilis igitur et egregius vir dominus Iacobus de Boemia presencialiter doctorandus', BJ 344, f. 340v; see *Catalogus codicum...*, vol. 2, p. 32. We have been unable to identify either Theodricus or Iacobus. It can only be suspected that Iacobus was the scholastic Jacob of Bohemia who arrived in Padua on 15 May 1400 to study bringing with him a codex containing the *Decretum Gratiani*, this testified to by a custom's stamp in the manuscript: München, Bayerische Staatsbibliothek, Clm 23553, f. 1r: 'MCCCLXXXV, XI iulii, dominus Iohannes de Boemia conduxit hunc librum in Paduam', 'die XV mai 1400 dominus Iacobus de Boemia scolasticus (...) canonicus' see. <https://www.mirabileweb.it/manuscript/m%C3%BCnchen-bayerische-staatsbibliothek-clm-23553-manuscript/164554> [Accessed: 29 March 2022].

deacon Baldassarr Cossa (1396–1404).¹²² It is not known if the exam in question was in canon law (more likely in the case of the ultramontanists) or whether it was an exam in civil law, this suggested by the person of the supervisor: Giovanni Canetoli as of 1388 was member of the Bolognese college of doctors in civil law and gave lectures on civil law.¹²³ We have been unable to find the graduation referred to in the speech in the Bolognese secret books of the canon and civil laws in 1396–1404.¹²⁴

The last oration devoid of its conclusion was delivered on the occasion of being conferred the doctorate of both laws by Battista d'Argile.¹²⁵ It contains eulogy of civil and canon laws, numerous biblical quotes, and also references to canon law. In harmony with the *Liber secretus iuris caesarei*, Battista d'Argile took a public viva voce on 9 May 1413, and his supervisors were: Floriano Sampieri (d. 1441), Jacopo Isolani (d. 1431), Niccolò Aldrovandi (d. 1423), and Giacomo Marescalchi.¹²⁶ Maybe Piotr Wolfram had an opportunity to have heard that address personally, and that is why he decided to include it in his collection, this possibly accounting for the clearly hurried manner in which it was copied.

122 'excellentissimo legum doctore domino Johanni de Canitulo patri domino et preceptore meo singularissimo reverendo patri et domino domino Baldassare Cossa de Neapoli dignissimi archidiacono Bononiensi vicem gerenti', BJ 344, f. 240v, por. *Catalogus codicum...*, vol. 2, p. 32. See also G. Pasquali, 'Canetoli, Giovanni', in: *Dizionario Biografico degli Italiani*, vol. 18, Treccani, Roma 1975, pp. 38–40; F.Ch. Uginet, 'Giovanni XXIII, antipapa', in: *Dizionario Biografico degli Italiani*, vol. 55, Treccani, Roma 2001, pp. 621–627.

123 G. Pasquali, op. cit., pp. 38–40.

124 Bologna, Archivio di Stato, Studio 126, ff. 21r–31r; *Il Liber secretus iuris caesarei dell'Università di Bologna*, ed. A. Sorbelli, vol. 1, 1378–1420, Bologna 1938, pp. 96–166.

125 Inc. 'In nomine Domini nostri Ihesu Christi. Amen. In me omnis gracia vite et virtutis', BJ 344, ff. 241r–242r; 'Egregii viri et dilectissimi fratris domini Ba<p>tiste de Argilt presencialiter cathedratti', BJ 344, f. 241r; por. *Catalogus codicum...*, vol. 2, p. 32.

126 *Liber secretus...*, p. 210. See also A. Sorbelli, *Storia della Università di Bologna*, vol. 1, *Il medioevo (secc. XI–XV)*, Zanichelli, Bologna 1944, pp. 97, 99, 101; A. Bartocci, 'Sampieri, Floriano', in: *Dizionario Biografico degli Italiani*, vol. 90, Treccani, Roma 2017, [https://www.treccani.it/enciclopedia/floriano-sampieri_\(Dizionario-Biografico\)/](https://www.treccani.it/enciclopedia/floriano-sampieri_(Dizionario-Biografico)/) [Accessed: 26 March 2023]; G. Tamba, 'Isolani, Jacopo', in: *Dizionario Biografico degli Italiani*, vol. 62, Treccani, Roma 2004, pp. 659–663.

What follows the Bolognese university orations in the same quire is a fragment of the third book of the *Secretum secretorum* by Pseudo-Aristotle.¹²⁷ This apocryphal Aristotle's letter to Alexander the Great, in which the philosopher was to unveil the greatest secrets of nature to the ruler, was greatly popular in the late Middle Ages.¹²⁸ The fragment contained in BJ 344 concerns the questions connected with ruling a state: justice being the quality of a ruler, advisors, envoys, the army. It remains unknown whether the copyist purposefully chose this piece, or whether it had been already included in the base which served for the copy. Importantly, the Bolognese speech preceding this fragment lacks its conclusion. The *Secretum secretorum* was widespread in mediaeval manuscripts, and it is also known from other Krakow ones.¹²⁹

The last piece, also included as anonymous, is Petrarch's letter XII from the collection *Liber sine nomine* (*Epistole sine nomine*).¹³⁰ In this letter, similarly as in others from the collection, the poet is deploring the fall of the Church, allusively referring to the death of Clemens VI.¹³¹ It seems interesting that Wolfram decided to include this letter in his collection, whether in view of its content, topical immediately following the Council of Pisa where the Western Schism was not ended, or as a rhetorical template, particularly

127 Inc. 'Iusticia est comandacio laudabilis de proprietatibus altissimi simplicis gloriosi', expl. 'prout indiget exercitus magnus huius instrumenti sonus auditur per miliaria LX et cetera', BJ 344, ff. 243r-246v; see *Catalogus codicum...*, vol. 2, p. 32. The fragment contained in BJ 344 is equivalent to Chapters 5-8 of Book III of the *Secretum secretorum* from the printed editions, see *Opera Hactenus Inedita Rogeri Baconi*, vol. 5, *Secretum secretorum cum glossis et notulis*, ed. R. Steele, e Typographeo Clarendoniano, Oxonii 1920, pp. 123-151.

128 See S.J. Williams, *The Secret of Secrets. The Scholarly Career of a Pseudo-Aristotelian Text in the Latin Middle Ages*, University of Michigan Press, Ann Arbor 2003.

129 BJ 228, 813, 2135; see *Catalogus codicum...*, vol. 1, pp. 276-280; vol. 6, *Numeros continens inde a 772 usque ad 1190*, comps. M. Kowalczyk et al., Bibliotheca Jagellonica-Oficina Editoria "Księgarnia Akademicka", Cracoviae 1996, pp. 219, 222; W. Wisłocki, op. cit., part. 2, pp. 551-552.

130 Inc. 'Ve populo tuo, Christo Ihesu', BJ 344, ff. 247r-v. see F. Petrarca, *Liber sine nomine*, ed. G. Cascio, Casa Editrice Le Lettere, Firenze 2015, pp. 110-116; A. Horeczy, 'Cytaty...', p. 89.

131 G. Cascio, op. cit., pp. 1-9; J. Spicka, 'La sentina dei vizi: poetica e motivi del Liber sine nomine di Petrarca', *Critica letteraria*, 2010, vol. 146, pp. 3-4.

if he was aware that the text was by Petrarch. In his letter written in Constance he actually made reference to the Italian poet.¹³² The presence of this letter undoubtedly points to Wolfram's Italian intellectual background. Additionally, Petrarch's philosophical works and letters did circulate in legal manuscripts.¹³³

CONCLUSIONS

Piotr Wolfram's book collection does not stand out as for the quantity or quality of codices. In comparison to the well-identified libraries of Mikołaj Kicki, Gniezno Archdeacon (d. 1429), who also studied canon law in Bologna and Padua around the same period and participated in the Polish-Teutonic litigation, the collection of works of Italian lawyers which Wolfram owned seems relatively modest.¹³⁴ Similar conclusions are prompted through the analysis of legal authorities recalled in Paweł Włodkowic's writings.¹³⁵ What lacks in Wolfram's collection are first of all collections of canon law and the most important 13th-century commentaries on the *Decretals* authored by Enrico Segusio, called Hostiensis (*Summa super titulis Decretalium*), Bernardo da Bottone Parmensis (*Glossa ordinaria* to the *Dekretalas*), Guillaume Durand (*Repertorium sive titulos Decretalium*). Another item missing is the *Rosarium super Decretum* by Guido da Baisio, an extremely important 13th-century commentary on the *Decret*. Other writings missing are the popular works

132 N. Contieri, op. cit., p. 148; A. Horeczy, 'Cytaty...', p. 91.

133 G. Cascio provided a list of 38 manuscripts containing the entire text of the *Liber sine nomine* and of 27 with selected lists, however, he did not record manuscript BJ 344, see. idem, op. cit., pp. 12–13. The work is included in a 14th-century manuscript that was once owned by the Cathedral Library in Kamieniec Pomorski, currently the Szczecin Library Cod 6 (XV.47); it also contained Giovanni Calderini's *Consilia* and Baldo degli Ubaldi's *consilium*, <https://zbc.ksiaznica.szczecin.pl/dlibra/publication/10292/edition/9284/content?ref=desc> [Accessed: 31 August 2023].

134 See M. Czyżak, op. cit., pp. 7–27. On Kicki's studies in Italy see. A. Horeczy, *Recepcja...*, p. 82.

135 See W. Ehrlich, *Paweł Włodkowic i Stanisław ze Skarbimierza*, Państwowe Wydawnictwo Naukowe, Warszawa 1954, pp. 146–154; K. Grzybowski, 'Paweł Włodkowic a współczesna mu kanonistyka', *Państwo i Prawo*, 1955, vol. 11, no. 10, pp. 799–814; S. Bełch, op. cit., passim; W. Świeboda, op. cit., pp. 178–180, 184–196.

by 14th-century lawyers, such as the *Decisiones Rotae Romanae Curiae* by Wilhelm Horborch, *De censura ecclesiastica* by Giovanni da Legnano, *Novella in quinque Decretalium libros* by Giovanni d'Andrea, his commentary on the *Liber Sextus*, or any of Francesco Zabarella's commentaries. It has to be remembered, however, that Wolfram's book collection was dispersed, and the manuscripts known to us today are but its fragment. The example of manuscript BJ 372 with Guido da Baisio's commentary with which Piotr Wolfram arrived in Padua to study, but already in 1418 was in the possession of Gniezno Canon Jakub, supports the hypothesis that when studying canon law Wolfram could have owned a larger number of such legal commentaries.

Furthermore, it cannot be ruled out that a further identification of the manuscript resources will point to subsequent manuscripts owned by Piotr Wolfram. It is quite likely that he had in his possession the Holy Scriptures and commentaries on them (apart from Gregory the Great's *Moralia*); he may have also owned Peter Lombard's *Sentences*. It may be suspected that he had St Augustine's *De civitate Dei* as well, since he often quoted it in his sermons. The *Tabula super librum beati Augustini de civitate Dei* which was in his possession (in BJ 344) contained merely references to St Augustine's works, without the actual citations. In Piotr Wolfram's sermons references to various authorities can be found, e.g., St Anselm of Canterbury, Thomas Aquinas, or Ambrose, however, it seems that he did not own these works in his book collection, quoting them from another study.¹³⁶ It cannot be confirmed whether Piotr Wolfram owned Petrarch's *De remediis utriusque fortunae* which he quoted

136 For example, the reference in manuscript BUWr I Q 87 during the sermon on the feast day of the Annunciation of Our Lady 'Ubi dicit beatus Ambrosius: <<Iudicet ille de alterius errore qui non habet quod in seipso contempnat>>' (f. 193r) could have been derived directly from the *Decretum Gratiani* C.3 q.7 c.4 ('Item Ambrosius super: <<Beati immaculati>> sermone XX. ad uers. Miserationes tuae, Domine. Iudicet ille de alterius errore, qui non habet quod in seipso condempnet') or from a concordance or a legal commentary, not from the work of St Ambrose. On the canon of authorities and a hypothetical library of a learned Krakow preacher of the late Middle Ages see L. Grzybowska, op. cit., pp. 220-221, 240-241.

in his letter from Constance (it remains unclear whether he cited it from his own or another available codex, and whether it was a direct quotation). The fact that in his manuscript BJ 344 Pertrach's letter from the *Liber sine nomine* was contained many support the hypothesis that Wolfram also owned other works by the Italian poet.

The analysis of the manuscripts identified as owned by Piotr Wolfram points to a certain standard of a legal library, featuring qualities more of a practitioner, an expert, than a creative law professor or an ambitious commentator. To such a practitioner in law what mattered most was a quick access to a definite case, commentary, or quotation, hence such a big number of repertories, indices, the 'running head', terms in the margin, or *maniculae*.¹³⁷ Additionally, as observed by Irena Malinowska-Kwiatkowska, these repertories, indices, and concordances were meticulously completed, covering the corpus of canon law and civil law.¹³⁸ Wolfram's book collection is comparable with e.g., book collections of Poznań canonists who owned legal treatises and various types of compendia, while fewer theological works whose selection was subordinated to the preaching goals (mainly writings by St Augustine and Gregory the Great).¹³⁹

The chronology of the creation of his library by Wolfram reflects well his subsequent career stages. Wolfram's Bolognese manuscripts partially contain works by Italian lawyers which had been included in the canon of law curriculum valid not only for Italian universities. The Italian legal formation is reflected in the most recent texts, such as the *Apostille* to Francesco Zabarella's commentary or the question of Peter of Ancarano. What can be considered

137 See D. Nebbiai, '<<Leges de voluntariis>>. Bibliothèques et culture des juristes en Italie d'après les inventaires de livres (XIIIe-Xve siècles)', in: *Juristische Buchproduktion im Mittelalter*, ed. V. Colli, Vittorio Klostermann, Frankfurt a. M. 2002, p. 707.

138 I. Malinowska-Kwiatkowska, op. cit., p. 164.

139 J. Wiesiołowski, 'Społeczeństwo a książka w późnośredniowiecznym mieście. Poznań i jego osiedla przedmiejskie w XV i na początku XVI wieku. Uwagi wstępne', *Studia Źródłoznawcze*, 1978, vol. 23, p. 69.

a less typical element (going beyond the canon of law curriculum) were the recommendations on doctoral graduations delivered at the Law University of Bologna. Their presence may point to the plans connected with the further career, and the need to deliver such speeches by Wolfram himself. In the case of Wolfram who was not born to a wealthy family the opportunity to make a curial career (he became the collector of Peter's Pence, and remained in close contacts with the Roman Curia) it was the skill of using refined Latin in harmony with the latest Humanist models that was decisive for promotion.¹⁴⁰

Wolfram's library reflects his Italian formation demonstrating that he was familiar with the leading trends, and had the capacity to select useful texts; the stay at the Roman Curia and at the Council of Constance must have made him appreciate the relevance of new Humanist rhetoric, that is why in due course he began to focus more on collecting rhetorical texts, bringing with him the latest texts: graduation orations from the late 14th century and the first decade of the 15th century from Bologna, as well as Petrarch's letter, while from Constance he brought with him the Council sermon (including the famous Poggio Bracciolini's oration), and newly-discovered Cicero's works from Rome. The presence of these rhetorical texts distinguishes Wolfram's book collection from his contemporary Polish lawyers.¹⁴¹ In this respect he precedes the book collections abounding in such works of Krakow law professors: Jakub Parkoszowicz (d. 1452) and Jan of Dąbrówka (d. 1472)¹⁴².

140 Leonardo Bruni precisely owed his position of the Secretary at the Roman Curia won in 1405 to his fluency in sophisticated Latin, see C. Vasoli, 'Bruni Leonardo', in: *Dizionario Biografico degli Italiani*, vol. 14, Treccani, Roma 1972, pp. 618-633.

141 For example, in Mikołaj Kicki's legacy only one work on rhetoric was mentioned: *rhethorica Ciceroni*, but it could have been *De inventione* or the *Rhetorica ad Herennium* by Pseudo-Cicero widespread in the Middle Ages; see M. Czyżak, *Legat...*, p. 22.

142 See M. Zdanek, 'Jakub Parkoszowicz z Żurawicy h. Godziemba', in: *Profesorowie...*, pp. 96-97; idem, 'Jan z Dąbrówki', in: *Profesorowie*, pp. 134-135; W. Szelińska, 'Dwa testamenty...', pp. 1-40.

**PIOTR WOLFRAM'S LIBRARY AND THE ITALIAN
INTELLECTUAL AND PROFESSIONAL FORMATION OF
A POLISH LAWYER IN THE FIRST HALF OF THE 15TH
CENTURY**

The analysis of the library of Piotr Wolfram, a bachelor of laws educated in Prague, Padua, and Bologna, professor of the Kraków Academy, participant of the Council of Constance, and the collector of Peter's Pence in Poland, reveals the tools which he used in building his career, surprisingly brilliant for a son of a burgher. The degree to which his library was typical of [MI] the period - library understood not only as a collection of codices but also a collection of texts - has been evaluated through the analysis of the popularity of individual works among the Kraków bar. The very presence of works by Italian lawyers in the collection does not unambiguously point to Italian intellectual education, as some Italian commentaries were included in the canon of literature taught at European universities. It has been determined that a clear indication of Wolfram's Italian formation is provided by such texts as *Apostillae* to Francesco Zabarella's commentary on the *Liber Sextus* or rhetorical texts by Italian authors - Bolognese university speeches or a letter by Petrarch yet unidentified in the catalogue of manuscripts of the Jagiellonian Library. In comparison to the library of Mikołaj Kicki, a lawyer with similar educational background (law studies in Bologna and Padua), Piotr Wolfram's collection is rather limited, as it lacks some significant collections of canon law or most of the 13th-century commentaries on the *Decretales*. It mostly comprises legal dictionaries, concordances, repertories, and indices. The library is tailored to a practitioner rather than a creative commentator of law, but the presence of rhetorical Italian texts makes it stand out from other contemporary libraries of Polish lawyers.

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DIVIDED COLLECTION: HISTORY OF THE INCUNABULA OF THE FORMER MARIAN GYMNASIUM IN SZCZECIN

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ABSTRACT

In 1945, book collections located in the Recovered Territories received the status of abandoned collections. The organised action of securing and taking them over by the state saved most of them from destruction and deliberate devastation. However, subsequent actions, consisting in repartitioning them, led to the dispersion of pre-war provenance sets. This also affected the incunabula of the former Marian Gymnasium (*Marienstiftsgymnasium*) in Szczecin. The school operated under this name in the years 1869–1945, but it was the continuation of the ducal Pedagogium founded in 1543. Its pride was the library (*Bibliothek des Marienstifts-Gymnasiums zu Stettin*), which at the end of the 19th century had over 34,000 volumes, including books, manuscripts, musical items, coins and cartographic materials. It is estimated that at the beginning of the second decade of the 20th century it collected at least 69 volumes printed in the 15th century. The first dispersion of the group took place in 1912, when four of them were sold to a library in Berlin.

The surviving items were dispersed after 1945, among others, as a result of an official action to use the secured collections.

KEYWORDS: Former Marian Gymnasium in Szczecin, Marienstiftsgymnasium, incunabula, dispersion of collections

The Marian Gymnasium (*Marienstifts-Gymnasium*), operating from 1869 to 1945, was a leading educational institution in Szczecin and the Pomerania Province. The school's origins trace back to the ducal Pedagogium launched in 1544, serving as an intermediate stage between a Latin school and a university.¹ Following a crisis in the 17th century, the Pedagogium was revived under the Swedes as Gymnasium Carolinum. Through several restructuring and name changes under Prussian rule in the 19th century, it attained the status of a leading teaching institution specializing in humanities. The school's prized possession was its library (*Bibliothek des Marienstifts-Gymnasiums zu Stettin*), which, in the late 19th century, housed over 34,000 volumes. In addition to printed books, the Library also contained manuscripts, musical items, old coins, and cartographic materials.²

The formation of the book collection was intertwined with the school's history. Situated in the buildings by St. Mary's Church, soon after its opening, the Pedagogium gained access to the Church *libraria*, which had existed together with the parish school since the latter half of the 13th century. The collecting of printed materials most likely began in the second half of the 15th century by amassing books to be used for priestly ministry and by canons-teachers. Upon being granted access to the ecclesial collection of the new educational institution, the shared library continued to

1 M. Wehrmann, 'Geschichte des Marienstifts-Gymnasiums 1544-1894,' in: *Festschrift zum dreihundertfünfzigjährigen Jubiläum des Königlichen Marienstifts-Gymnasiums zu Stettin am 24. und 25. September 1894*, Stettin 1894, pp. 160-164.

2 M. Wehrmann, 'Geschichte der Bibliothek des Marienstifts-Gymnasiums in Stettin,' *Baltische Studien*, 1894 AF, Bd. 44, p. 224.

grow, now incorporating books reflecting the university curriculum, such as manuals of law, philosophy, and history.³

The history of the initial book collection was affected by a fire in 1579 that damaged the Church tower and the Pedagogium. The inventory, initiated 11 years later and complemented with manuscripts in 1611,⁴ included 320 volumes featuring books printed in the 15th century, such as *Margarita decreti seu Tabula Martiniana*, *Manuale seu Breviarium Dioecesis Caminensis*, and *Corona B. Mariae Virginis*.⁵ Unfortunately, due to the absence of publishing information in the bibliographic descriptions, it is challenging to precisely identify the number of incunabula. In 1643, the Pedagogium received books from the former castle library of the House of Griffin. In their format-classified list (*Catalogus librorum ex Ducali Pomeranorum Bibliotheca... in Bibliothecam Ducalis Paedagogii Stetinisensis... translatorum Anno 1643*), some dozen titles, such as *Mammotrectus super Bibliam*, which might date back to the 15th century, can be identified.⁶ Almost three decades later, during the 1677 siege of the city, the Library collection was once again depleted in a fire.

In subsequent years, the collection was rebuilt mainly through donations from private individuals. Among the late-17th-century donors were scholars affiliated with Szczecin, including Daniel Kandsdorf (1642-1691), a professor of Hebrew and theology, and Andreas Müller Greiffenhagius (1630-1694), an Orientalist. In the following century, the Library received books from Detlev Marcus Friese (1634-1710), a lawyer and counselor, and from city Mayor Matthäus Heinrich von Liebeherr (1693-1749).⁷

3 State Archives in Szczecin (below: APS), Samuel Gottlieb Loeper's Collection, cat. no. 65/11/0/145, document 1.

4 'Catalogus librorum, qui exstant in Bibliotheca publica ad aedem diuae Virginis Anno Iesu Christi 1590. Mense Augusto die sexto,' in: *Inwentarz i akta Biblioteki Publicznej w Szczecinie: Marianańskiej i Gimnazjum Akademickiego*, comp. J.C.C. Oelrichs, Palaeo-Stetini 1768, Index H. Lemcke, 1873, Biblioteka Uniwersytecka w Toruniu, cat. no. MS 1148, pp. 1-27.

5 Ibidem, pp. 21-24.

6 *Biblioteka Książąt Pomorza Zachodniego: katalog*, comp. U. Szajko, Szczecin 1995, p. [23].

7 Index in: *Inwentarz*, (unnumbered pp.).

In the early 18th century, the book collection boasted over 2,000 volumes. In the systematic catalog from 1780, David Friedrich Ebert (1740–1789), vice-chancellor and librarian, recorded almost 6,000 volumes,⁸ among which 11 incunabula can be found, including two editions of commentaries to the Bible by Nicholas of Lyra from before 1472⁹ and Sunday sermons of Hugo de Prato Florido of Strasbourg (1476).¹⁰

In 1805, the Gymnasium merged with higher Lyceum classes, thus creating the Royal and City Gymnasium (Königliches und Stadt-Gymnasium). Its first vice-chancellor, Johann Jakob Sell (1754–1816), compiled a catalog of the library of the combined schools.¹¹ The latter featured three more incunabula and one co-bound post-incunabulum from 1501.

A significant acquisition of incunabula occurred in 1822 when the School Library was enriched with books from the former Chapter Library in Kamień Pomorski.¹² This collection contained 41 manuscript codices and 49 books printed in 1474–1560,¹³ including 37 15th-century editions in 38 volumes. They were mainly theological works but also included law books and philosophical texts.

The manuscripts and printed volumes from the old Chapter Library held immense value for the school. Identified with special catalog numbers, they were maintained as a distinct set. The incunabula obtained from various sources (donation, purchase) were

8 A. Borysowska, *Kultura książki w dawnym Szczecinie (XVII–XVIII w.): studia z pogranicza bibliologii i literaturoznawstwa*, Szczecin 2018, pp. 310–313.

9 D. F. Ebert, *Catalogus systematicus librorum Bibliothecae aedis Cathedralis Marianae et Regii Gimnasii et academici Sedinensis ...*, Palaeo-Stetini 1780, Biblioteka Katolickiego Uniwersytetu Lubelskiego, cat. no. MS 3276, chart. 18v, nos. 34, 35; GW M26493

10 Ibidem, chart 78r, no. 8.; GW 13567/IBP 2878 (*Incunabula quae in bibliothecis Poloniae asservantur*. Moderante Alodia Kawecka-Gryczowa composuerunt Maria Bohonos et Elisa Szandorowska, t. 1, Wratislaviae 1970; t. 2: Addenda. Indices. Moderante Alodia Kawecka-Gryczowa composuerunt Maria Bohonos, Michael Spandowski et Elisa Szandorowska, Wratislaviae 1993).

11 Sell J. J., *Catalogus der Bibliothek des vereinigten königlichen und Stadt-Gymnasii zu Stettin*, [before 1817], Książnica Pomorska, cat. no. MS 5.

12 APS, Gimnazjum Mariackie w Szczecinie (below: GM), cat. no. 65/299/0/1330, pp. 22–23.

13 W. Böhmer, *De Pomeranorum historia literaria*, Berolini 1824, pp. 90–91.

annotated based on the ordinal number within a section aligned with their format. In the early 20th century, they underwent registration by the Prussian committee, which was actively involved in compiling the central incunable catalog for the preparation of the *Gesamtkatalog der Wiegendrucke*.¹⁴

Around 1910, the Gymnasium Library housed a minimum of 69 volumes from the 15th century, embodying 67 distinct works.¹⁵ Primarily, these comprised theological texts, encompassing homiletics, biblical studies, and patristics. Additionally, the collection featured studies in canon and civil law, works on history, philosophy, Greek and Romance literature, and texts from the Italian Renaissance. The majority of the incunabula were produced in the 1480s and 1490s, emanating from printing workshops within the German-speaking territory, including 13 from Strasbourg. Anton Koburger's workshop in Nuremberg contributed 9 out of 10 incunabula printed there. Venetian printing was represented by 13 books, including one by Aldus Manutius. Several books were printed by Basel typographers, such as Nicolaus Kessler and Johann Amerbach. The collection also featured three Polonica: *Syntagmata*¹⁶ containing the Statutes of Casimir the Great, a set of canonical law by Marcin Polak,¹⁷ and sermons of Nicolaus Varsaviensis.¹⁸

The first division of the Gymnasium's early printed books took place in 1912. To augment the school's budget, the school's organizer, the Board of Education of St. Mary's Foundation, sold four of them to the Royal Library in Berlin for 845 marks. Among the sold printed materials, two held particular worth to Pomerania: Brev-

14 *Gesamtkatalog der Wiegendrucke* (GW) Bd. 1-12, Staatsbibliothek zu Berlin - Preußischer Kulturbesitz, Leipzig-Stuttgart 1925-2021; <https://www.gesamtkatalogderwiegendrucke.de> [accessed: April 11, 2022].

15 A. Michalska, 'Inkunabuły dawnej biblioteki gimnazjalnej w Szczecinie - próba odtworzenia zasobu,' *Przegląd Zachodniopomorski*, 2020. fasc. 2, pp. 119-141, with a list of incunabula in a table at pp. 127-131 (subsequently cited as "lp.').

16 GW M43621/IBP 5154.

17 GW M21425.IBP 3622.

18 GW M26312/IBP 3933.

iarium Caminense¹⁹ and Missale Basiliense (vel Caminense).²⁰ The first has remained in Berlin until this very day, while the Missale was lost in World War II.²¹ Shortly afterward, in relation to the planned relocation of the school to a new building, it was decided that a part of the oldest book collection would be transferred to the City Library. However, the annual report of that public library does not specify the quantity of the transferred set and whether it contained incunabula.²²

It goes without saying that a new chapter in the Gymnasium's history began in 1945. The fact that the Polish administration covered Farther Pomerania with its jurisdiction and incorporated it into Poland's borders altered the legal status of the assets the Germans left there. In compliance with the Act of 6 May 1945, on Abandoned and Derelict Property, German assets were deemed abandoned property, passing under Polish administration to ultimately become the property of the State Treasury and were protected by state offices.²³ Among the movable assets were book collections, including libraries, lending libraries, and bookshops with their furnishings.²⁴ Their professional preservation and purposeful use were overseen by the Ministry of Education, which, as of November 1944, actively contributed to preserving book collections recovered from the liberated territories of the Polish Republic.²⁵ Printed materials published before 1880 were to be secured with special

19 GW 5298.

20 APS, GM, cat. no. 65/299/0/1354, doc. J. no. 397; GW M24254/IBP 3767.

21 A. Michalska, 'Inkunabuły dawnej...', p. 128 (*lp.* 16).

22 *Jahresbericht der Stadtbibliothek Stettin 1914: Sonderdruck aus dem Verwaltungsbericht der Stadt Stettin für das Jahr 1914*, Stettin [1915], pp. 2-3.

23 'Ustawa z dnia 6 maja 1945 r. o majątkach opuszczonych i porzuconych,' *Dziennik Ustaw Rzeczypospolitej Polskiej* 1945, no. 117, item 97.

24 'Zarządzenie Ministra Oświaty z dnia 4 sierpnia w sprawie zabezpieczenia i zużycowania księgozbiorów opuszczonych lub porzuconych,' *Polish Journal of Laws* (below: *Dz. Urz.*) 1945, no. 4, item 115.

25 'Okólnik z dnia 29 listopada 1944 r. (Nr Bibl. IV-W-2195/44) w sprawie zabezpieczenia bibliotek i zbiorów bibliotecznych,' *Dziennik Urzędowy Resortu Oświaty* 1944, nos. 1-4, item 32.

care: they fell under the responsibility of the Old Book Section established for this purpose within the Library Department.²⁶

In the Western Pomerania District and in Szczecin itself, similar activities were additionally undertaken by municipal and voivodeship authorities. The first representatives of the Polish state authorities arrived in Szczecin on 30 April 1945. The challenging living conditions, along with the presence of bands of arsonists and looters, and the uncertain national status of the city (involving two departures of the Polish governorship from Szczecin: in May and June), did not contribute effectively to preservation actions. This can be clearly testified to by the words of Stanisław Siadkowski, Director of the Municipal Library in 1946–1948: “‘The preservation action disperses the most precious collections amassed in the city of Griffin. The same thing happened to ‘Stadtbücherei’... All that was precious disappeared; the rest was scattered around and trampled upon.’”²⁷ Some former German book collections left Western Pomerania only with the military commander’s authorization or were taken without authorization by representatives of libraries and academic institutes from central Poland.²⁸ Despite all the challenges, preservation actions covered all Szczecin institutions collecting books, including academic libraries: the city library, that of the Marian Gymnasium, and that of the Society of History and Antiquities of Pomerania.²⁹ In August, the Szczecin Education Office joined in; they established a Voivodeship Committee for the Care of Books.³⁰ Its responsibilities included collecting informa-

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- 26 ‘Zarządzenie Ministra Oświaty z dnia 27 maja 1945 r. (Nr V-6534/45) w sprawie opieki nad dawną książką,’ *Dz. Urz.* 1945, no. 2, item 56.
 - 27 S. Siadkowski, ‘Biblioteka Miejska w Szczecinie,’ *Bibliotekarz*, 1946. 13, nos. 6–7, p. 146.
 - 28 Nowicki R., *Działalność Aleksandra Birkenmajera na rzecz odbudowy zbiorów bibliotecznych*, Poznań 2006, p. 187.
 - 29 For more on Szczecin’s academic libraries, see J. Kosman, *Z dziejów bibliotek w pruskiej prowincji Pomorze w XIX i początkach XX wieku*, Książnica Pomorska, Szczecin 2013, pp. 83–103.
 - 30 Archives of the Poznań University Library, Department of Securing and Segregation of Book Collections (below: ABUAM, RZiSK), Information on book collections from Western Pomerania and Silesia 1945–1946, cat. no. 560, p. 38.

tion on the books abandoned by Germans and managing them.³¹ Unfortunately, due to financial and personnel difficulties in practice, the Committee did not play any significant role in preserving the abandoned book collections.

In early May, a delegation from the neighboring Greater Poland, representing Poznań University, arrived in Szczecin with the goal of securing edifices for a future Polish university. Although the mission was aborted, in the initial months of Szczecin being part of Poland, representatives of Poznań University Library secured and took over Pomerania's book collections. Library Director Aleksander Birkenmajer (1890–1967), formally heading the securing of book collections throughout the Pomeranian and Poznań Voivodeships, displayed particular zeal in this endeavor.³² In March, within the Library structure, he established the Department of Collection Securing and Segregation, led by Michał Wąsowicz, which amassed information on library collections in Greater Poland, Pomerania, and the Regained Territories; the Department also played a crucial role in securing and segregating book collections.³³

On 18 June, a day before the municipal authorities left the city for the second time, Mayor Piotr Zaremba established the Committee to Assist Poles.³⁴ This social organization aimed to implement the tasks of the absent authorities and assist Poles who were in the city. It was dissolved on 5 July when representatives of the Polish state officially took power in Szczecin. Shortly before its dissolution, the Committee, collaborating with A. Birkenmajer's envoys, provided the Poznań University Library with antique books

31 P. Garlicki, 'Ochrona zbiorów bibliotecznych na Pomorzu Zachodnim na łamach prasy lokalnej w latach 1945–1950,' in: *Ochrona zbiorów bibliotecznych: praca zbiorowa*, eds. R. Nowicki, J. Gomoliszek, K. Wodniak, Bydgoszcz 2016, p. 98.

32 'Zarządzenie Ministra Oświaty z dnia 15 lutego 1945 r. w sprawie zabezpieczenia bibliotek,' *Poznański Dziennik Wojewódzki* 1945, no. 3, item 17.

33 M. Głowacka-Helak, 'Rewindykacja księgozbioru Biblioteki Uniwersyteckiej w Poznaniu oraz zabezpieczanie zbiorów porzuconych i opuszczonych w latach 1945–1946 na terenie Wielkopolski i Ziemi Odzyskanych,' *Roczniki Biblioteczne*, 1991, vol. 35, fascs. 1/2, p. 278.

34 T. Białecki, 'Pierwsze lata polskiego Szczecina (1945–1949),' in: *Dzieje Szczecina 1945–1990*, vol. 4, eds. T. Białecki, Z. Silski, Szczecin 1998, p. 57.

secured from the former Gymnasium building. Already on 6 July, the Library Management received 43 crates of antique books from the 15th–18th centuries, totaling 1,228 specimens.³⁵ Meanwhile, the list compiled by Marcin Kukuła,³⁶ an employee of the Szczecin School Department, contained 1,211 volumes.³⁷ The descriptions of the antique books, often not free from errors resulting from the incorrect deciphering of inscriptions, provided information on the author, title, and publication year. The discrepancy between the number of books transferred and received may have resulted from the difference in counting either volumes or bibliographical items.

Eleven incunabula³⁸ from the resources of the old Gymnasium were deposited with the Poznań libraries, of which three were bound together with 16th-century books.³⁹ One of the most precious was the rare edition of Lucan's *Pharsalia* (Venezia, January 31, 1493).⁴⁰

The measures intended to secure books, initiated by the Ministry of Education in Western Pomerania in the spring and summer of 1945, were continued by the Branch Office of the Ministry of Education established by that department to secure abandoned and derelict book collections. Stanisław Sierotwiński (1909–1975), heading the securing of book collections in the Kraków, Rzeszów, and Kielce Voivodeships,⁴¹ suggested establishing a separate institu-

35 ABUAM, RZiSK, Report on securing book collections 1945–1947, cat. no. 540, pp. 69, 72.

36 P. Zaremba, *Wspomnienia prezydenta Szczecina 1945–1950*, Wydawnictwo Poznańskie, Poznań 1980, p. 105.

37 ABUAM, RZiSK, Information cards on abandoned and found book collections. Authorisations to release book collections 1945–1946, cat. no. 559, pp. 26–75.

38 Wydra W., *Katalog inkunabułów Biblioteki Uniwersyteckiej w Poznaniu*, Biblioteka Uniwersytecka, Poznań 2002, nos. 75, 128, 184, 185, 213, 327, 334, 358; A. Michalska, 'Inkunabuły dawnej...', pp. 127–131 (*lp.* 4, 14, 23, 24, 31, 36, 54, 56, 59, 65).

39 J. Łukaszewski, 'Jeszcze o inkunabułach szczecińskiego gimnazjum Mariackiego w zbiorach Biblioteki Uniwersyteckiej w Poznaniu ("nowe" egzemplarze i fragmenty)', *Przegląd Zachodniopomorski*, 2020, fasc. 2, pp. 144, 152–153, 156–157.

40 GW M18859/IBP 3455 (+ err.).

41 R. Nowicki, 'Działalność Stanisława Sierotwińskiego w latach 1945–1946 jako delegata Ministerstwa Oświaty do zabezpieczania księgozbiorów opuszczonych

tion preserving collections in the territories incorporated into Poland. Established on 1 December 1945, this branch office operated until 30 April, 1947, headed by the initiator of the project. The territory of the Branch Office was divided into five districts: Kraków, Wrocław, Szczecin, Olsztyn, and Lubusz.

In this respect, mention should be made of an employee of the Branch Office in the Szczecin District, namely Maria Adela Quirini (1895–1975), a librarian and editor.⁴² As of March 1946, she supervised the actions of bringing together the former German book collections from the Szczecin Voivodeship, and from 1 February, 1947, until the end of April 1950, she served as the Head of the Depot of Secured Book Collections in Szczecin, overseeing the segregation and repartition of the books deposited in the storages.⁴³

Decisions on transferring the books were made at the Ministry of Education, and as of March 1946 at the newly established General Authority of Libraries, whose first director was Józef Grycz.⁴⁴

Public and private collections taken over by the state were to be used in the most useful way, considering the cultural interests of the region.⁴⁵ However, the latter condition was not met in the case of books that manifested symptoms of abandoned property. This is confirmed by the appeal made by Pomeranian historians at the 1947 congress in Toruń, asking to leave in Pomerania or return

i porzuconych na Ziemiach Zachodnich,' *Roczniki Biblioteczne*, 2006, vol. 50, pp. 26–29.

42 For more on Quirini and other storage's employees see P. Garlicki, 'Maria Quirini i inni pracownicy Zbiornicy Księgozbiorów Zabezpieczonych w Szczecinie,' *Bibliotekarz Zachodniopomorski*, 2013, nos. 2–3, pp. 69–74.

43 Archives of Pomeranian Library in Szczecin, Storage of Secured Book Collections (below: AZKP, ZKZ), cat. no. 1/5, p. 209: 'Pismo Naczelnej Dyrekcji [Bibliotek Ministerstwa Oświaty] z 25 I 1947 r. w sprawie zorganizowania zbiornicy w Szczecinie i powierzenia M. Quirini funkcji kierownika.'

44 'Zarządzenie Wewnętrzne Nr 3 Ministra Oświaty z dnia 12 marca 1946 r. o utworzeniu naczelnej Dyrekcji Bibliotek,' quoted after: T. Zarzębski, *Polskie prawo biblioteczne 1773–1990*, Warszawa 1991, item 235.

45 Okólnik Nr 29/V-45 Głównego Urzędu Tymczasowego Zarządu Państwowego z dnia 21 czerwca 1945 r., dotyczy: księgozbiorów stanowiących majątek opuszczony lub porzucony,' copy in: see footnote 20.

to its academic and cultural institutions the collections that had been taken away from the region.⁴⁶

The former German book collections became part of two new university libraries established in 1945: in Łódź and Toruń. Thanks to the engagement of Stefan Burhardt (1888–1991), in 1945–1948, Toruń received collections from Warmia, Masuria, and Pomerania,⁴⁷ and in the western section of the region, books left from Koszalin, Starogard, and Szczecin.⁴⁸ Around the same time and later, individual items were also purchased. Thus, in 1949, three incunabula (in two volumes) from the former Gymnasium Library, forming part of the Kamień set, were acquired.⁴⁹ The book collections transported to Łódź in early 1946, among others from the capital of Western Pomerania, contained no printed books of the provenance that are of interest to us.⁵⁰ Meanwhile, some dozen incunabula were found in the book collection of the Bismark-Ostens in the seized Płoty Castle, which housed a 13,000-volume collection dedicated to Pomerania.⁵¹

The acquisition of the secured collections was also of interest to those libraries that had suffered devastating war losses. Among

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- 46 'Protokół II zebrania plenarnego Ogólnopolskiego Zjazdu Historyków Polskich z dnia 20 lutego 1947 r.,' *Zapiski Towarzystwa Naukowego w Toruniu*, 1947, vol. 13, fascs. 1–4, pp. 128–130.
 - 47 A. Bogłowska, J. Tondel, 'Księgozbiór Biblioteki Uniwersyteckiej w Toruniu jako warsztat badań księgoznawczych,' *Studia o Książce*, 1983, vol. 13, p. 18.
 - 48 H. Baranowski, 'Zbiory biblioteki uniwersyteckiej w Toruniu, ich rozwój i kierunki przyszłego kształtowania,' *Studia o działalności i zbiorach Biblioteki Uniwersytetu Mikołaja Kopernika*, 1990, part 5, p. 27.
 - 49 *Katalog inkunabułów Biblioteki Uniwersyteckiej w Toruniu*, comp. M. Strutyńska, Wydawnictwo Uniwersytetu Mikołaja Kopernika, Toruń 1995, items 80, 157, 180; A. Michalska, 'Inkunabuły dawnej...', pp. 129–131 (*lp.* 25, 48, 55).
 - 50 Z. S. Dylik, 'Biblioteka Uniwersytecka w Łodzi w pierwszym okresie istnienia,' *Życie Szkoły Wyższej*, 1980, nos. 7–8, p. 103.
 - 51 A. Michalska, 'Inkunabuły bibliotek Pomorza Zachodniego i ich powojenne losy,' in: *Księgozbiory rozproszone: losy księgozbiorów historycznych po II wojnie światowej: materiały z konferencji naukowej zorganizowanej przez Muzeum Zamkowe w Malborku, 19 października 2012 roku*, ed. A. Siuciak, Muzeum Zamkowe w Malborku, Malbork 2015, p. 136; V. de Senarclens, 'Teile einer verstreuten Büchersammlung aus dem 18. Jahrhundert. Die Bibliothek Schloss Plathe und ihre Benutzer,' in: *Unbekannte Schätze. Germanica des 16. Jahrhunderts in der Universitätsbibliothek Łódź*, eds. C. Dietl, M. Kubisiak, Łódź 2018, pp. 117–135.

them, mention has to be made of two main Warsaw libraries: the University of Warsaw Library (BUW) and the National Library (BN). In August 1941, as a result of the reorganization of Warsaw's libraries conducted by the German aggressors, BUW's incunabula (over 200) were transferred to the Library of the Krasiński Entail. The Krasiński Library, founded in 1844, was located in a new building at 9 Okólnik Street from 1914. From 1941, it housed the special collections of three capital libraries: the National Library, the University Library, and the Library of the Krasiński Entail.⁵² These libraries were devoured by fire after the defeat of the Warsaw Uprising, in the course of the systematic demolishing and burning down of Warsaw conducted by the Brandkommando. In late May 1945, the antique printed books taken by the Nazis, and books and magazines evacuated outside the city, began to return to the Library, while in early September, the secured collections from the Regained Territories started arriving.⁵³

The University authorities insisted on acquiring books for faculty libraries and the reconstruction of the special collections. The 15th-century books that are of interest to us arrived at the Library in 1946. They were two co-bound works by St. Augustine donated to the Gymnasium Library in the late 18th century by Pastor Johann Gottlieb Arnd through the mediation of the Consistory Counsel and Gymnasium Inspector Friedrich Christian Göring.⁵⁴ At about the same time, BUW also took over one of the three aforementioned Polonica: *Syntagmata* from 1488, bound with two 16th-century printed books.⁵⁵

It is likely that the same channel helped BUW acquire the Venetian edition of Rome's history by Julius Pomponius Laetus from

52 "Krasiński Library" w: *Wikipedia*, https://en.wikipedia.org/wiki/Krasi%C5%84ski_Library [Accessed 29May 2023].

53 *Katalog druków XV i XVI wieku w zbiorach Biblioteki Uniwersyteckiej w Warszawie*, vol. 1, part. 1: XV w., comp. T. Komender, Warszawa 1994, pp. 28–29.

54 Ibidem, nos. 17, 18; A. Michalska, 'Inkunabuły dawnej...', p. 128 (lp. 6, 7).

55 Ibidem, no. 29; Ibidem, p. 128 (lp. 19).

1500.⁵⁶ The permission obtained from the Ministry of Education in 1947 allowed for the continued acquisition of books by faculties and seminars, as well as the main Library. By the end of 1949, Warsaw had received publications on Evangelical theology,⁵⁷ classical and Romance philology, history, philosophy, mathematics, and science, totaling over 2,100 volumes of historical value and antique books. Furthermore, thanks to the efforts of Director Adam Lewak, the prints secured in Wałcz also reached the BUW Print Cabinet.⁵⁸ The remaining two incunabula that came from the Gymnasium (amounting to six in total at BUW) were purchased. These included the Strasbourg edition of Plutarch's *Parallel Lives*, purchased from a private individual in December 1951, and *Casus longi* by St. Bernard of Parma, purchased four years later at *Ars Christiana*.⁵⁹ This enterprise traded in devotional articles, having 60 shops in Poland. Old prints were also sold through *Ars Christiana*'s commission department.⁶⁰

The fact that the books, which by law were protected by state institutions, appeared in sales confirms that a certain portion of secured collections reached private hands. This occurred as a result of punishable acts, such as looting, but not only: Via semi-official channels, they were also presented free of charge to respected and well-known individuals and later entered the book trade.⁶¹

Devastated during WWII, the National Library practically lost its entire incunabula collection from before the war (around 2,250 items)⁶² and its printed 16th-century books, as well as the majority of *Polonica* spanning the 17th-18th centuries. In the aftermath, it embarked on building a new collection of antique books, composed

56 Ibidem, no. 130; Ibidem, p. 131 (*lp.* 53).

57 AZKP, ZKZ, cat. no. 1/8, pp. 161, 633-723.

58 Ibidem, cat. no. 1/9, pp. 370-374, cat. no. 1/6, pp. 411-412.

59 I. Wiencek, Incunabula accession, to: A. Michalska, 23 October 2019, e-mail.

60 M. Osuch, *Ars Christiana*, to: A. Michalska, 29 March, 2023, e-mail.

61 AZKP, ZKZ, cat. no. 1/9, p. 620,

62 M. Spadowski, 'Polskie zbiory inkunabułów zniszczone, rozproszone i prze-mieszczone w czasie i w wyniku II wojny światowej,' *Rocznik Biblioteki Narodowej*, 2013, vol. 44, pp. 8-9.

of fragments from Polish collections classified as abandoned, those belonging to no longer extant public institutions, and secured collections from Silesia, Pomerania, and Eastern Prussia.⁶³ Thus, the BN received antique books from the 15th–18th centuries from several Pomeranian institutions: the Gröning Gymnasium in Stargard, the Szczecin pre-war Archives,⁶⁴ and the school that is the subject of the present paper. Notably, these acquisitions were dominated by printed materials from Stargard, constituting around 90 percent of the preserved set.⁶⁵ Currently, BN is home to two incunabula from the Marian Gymnasium resources.⁶⁶ One of them was a donation from the National Museum in Warsaw, reaching the Library in 1979. Besides those already mentioned, the Museum was one of Warsaw's institutions submitting claims to receive secured collections. Others doing so were, for example, the Museum of the Earth, the Central Medical Library, and the Warsaw Public Library.⁶⁷

The largest number of incunabula, once housed in the school library, is now part of the Pomeranian Library in Szczecin.⁶⁸ The oldest of its buildings on Dworcowa Street served as the Storage of Secured Book Collections from 1947 to 1950, managed by the aforementioned Maria Quirini; it also functioned as one of the storage-sorting offices.⁶⁹ In November 1955, the Department of Antique Books was established within the Voivodeship and Municipal Public Library's structure, where the secured former German

63 *Historia zbiorów*, National Library's website, <https://www.bn.org.pl/o-nas/zbiory-bn/zbiory-bn/starodruki/historia-zbiorow> [Accessed: 11 April 2022].

64 For more on the Archive's library see J. Kosman, *Jedna biblioteka – trzy historie. Biblioteka Archiwum Państwowego w Szczecinie. Studium przypadku*, Warszawa-Szczecin 2021.

65 For more on the incunabula amassed in Stargard libraries see M. Spandowski, 'Inkunabuły dawnych bibliotek w Stargardzie,' *Stargardia*, 2013, vol. 8, pp. 41–97.

66 M. Spandowski, *Catalogue of incunabula in the National Library of Poland*, vol. 1, National Library of Poland, Warsaw 2020, nos. 404 and 792 (copy d); A. Michalska, 'Inkunabuły dawnej...', pp. 129–130 (*lp.* 28, 50).

67 AZKP, ZKZ, cat. no. 1/6, pp. 321, 489–493.

68 In July 1945, a Municipal Library was created, renamed Voivodeship Public Library in 1947, and finally Voivodeship and Municipal Public Library in 1955, known under its present name since 1994.

69 AZKP, ZKZ, cat. no. 1/11, p. 67.

collections were relocated. Among the early printed books from various libraries in Szczecin, there are 24 15th-century volumes (23 works) from the former Marian Gymnasium.⁷⁰ The last known location of a 15th-century printed book from Szczecin is the Museum of Cieszyn Silesia in Cieszyn. The incunabulum had belonged to Brunon Konczakowski.⁷¹ Born in the city on the Olza River in 1881, this dealer and collector of militaria and antiques before WWI had become one of the most prominent collectors in Europe. In 1939, he donated his collection of Oriental arms to the Polish Army Museum in Warsaw. Following WWII, he expanded his enormous collection of antique books, totaling several thousand specimens. Among the incunabula he acquired was a 1486 copy of Margarita Decreti,⁷² which, following the collector's death in 1959, was given to the Cieszyn Museum as agreed with the collector's heirs.⁷³

In 1945, the former German collections were classified as abandoned collections. The action of securing and taking them over, organized by the Polish state in the Regained Territories, prevented the majority from destruction and deliberate devastation. However, subsequent actions during their repartition led to the dispersion of pre-WWII provenance sets. This fate did not spare the incunabula collection of the former Marian Gymnasium in Szczecin. The splitting of the secured collection began in the summer of 1945 when 11 printed books were dispatched to Poznań University Library. The instruction of January 25, 1946, on handling the secured book collections⁷⁴ demanded that the book collection forming a coherent provenance group be kept integral, but in practice,

70 *Katalog inkunabułów Książnicy Pomorskiej w Szczecinie*, comp. A. Michalska, A. Łojko, Książnica Pomorska, Szczecin 2016, nos. 1, 2, 5, 8 (copy b)–11, 14–17, 22, 23, 35, 37–39, 41, 44–46, 49, 62.

71 *Internetowy Polski Słownik Biograficzny*, <https://www.ipsb.nina.gov.pl/a/biografia/brunon-konczakowski> [accessed: 11 April, 2022]

72 A. Michalska, 'Inkunabuły dawnej...', p. 130 (lp. 38); GW M21425/IBP 3622.

73 J. Spyra, 'Zabytkowy księgozbiór Bruno Konczakowskiego,' in: *Cieszyńskie księgozbiory historyczne: materiały z sesji naukowej Cieszyn, 18–20 listopada 1991 r.*, Biblioteka Narodowa, Warszawa 1993, pp. 29–33.

74 'Instrukcja z dnia 25 stycznia 1946 r. w sprawie postępowania z księgozbiorami zabezpieczonymi,' D. Urz. 1946, no. 1, item 13.

it was not obeyed. This resulted from insufficient storage space, forcing the handing out of collections without regard to their integrity.⁷⁵ Additionally, post-WWII dispersion was contributed to by requests from institutions and private individuals to receive particular bibliographical items. Although the incunabula of the formerly prestigious Szczecin school are now divided among six institutionalized owners throughout Poland, the largest number of the collection items remains in Szczecin.

Translated by Magdalena Iwińska

75 R. Nowicki, 'Działalność krakowskiej Delegatury Ministerstwa Oświaty do zabezpieczenia księgozbiorów opuszczonych i porzuconych na Pomorzu Zachodnim,' in: *Ochrona zbiorów...*, p. 93.

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CALENDAR OF THE FIRST
EDITION OF THE *BREVIARIUM*
FRATRUM EREMITARUM
SANCTI PAULI PRIMI
EREMITAE (IBP 5825)*:
DESCRIPTION AND EDITION*

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ABSTRACT

This paper discusses and presents the edition of a previously unknown calendar from the first edition of the Pauline breviary published in Basel by Nicolaus Kesler circa 1486–1491. The calendar has been preserved in a copy from the private collection of Fr. Prof. Janusz Zbudniewka OSPPE. It contains clearly defined elements of the Pauline rite, combining aspects of Hungarian liturgy with hermitic customs. The glosses in the calendar reveal the influence of the sanctorale of the Kraków Diocese on monastic observances.

KEYWORDS: liturgical books, incunabula, medieval calendars, Pauline Fathers

Bibliographical literature records two existing copies of the first edition of the breviary of the Pauline Fathers. The incunabulum in the University Library in Budapest was considered unique until the discovery of the second copy at the Pauline Monastery at Jasna

Góra.⁰¹ Both volumes are damaged, lacking a calendar,⁰² and the content of this calendar thus remained unknown to contemporary scholars.⁰³ The third copy of the breviary, unrecorded in the literature on incunabula, belongs to the collection of Fr. Prof. Janusz Zbudniewek OSPPE, as noted in the Bibliography of the Pauline Order.⁰⁴ This volume contains a complete calendar, the edition, and characterization of which will be presented in this article.

In the 13th century, at the beginning of their history, the Pauline Order adopted the liturgy of Hungarian dioceses, on whose territory their first monasteries were founded. The Hungarian hermits thus adopted the rite of the Esztergom Archdiocese, also used in many other neighboring Hungarian dioceses. Subsequently, they adapted it to their purposes, creating their own liturgy.⁰⁵ Despite

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- 01 * I would like to express my gratitude to Father Prof. Janusz Zbudniewek OSPPE for making the incunable discussed in the present paper available to me and for his consent to publish the edition and photographs of this precious heritage work. E. Soltész, 'Diurnalia und Breviere aus dem XV. Jahrhundert in ungarischen Bibliotheken,' *Beiträge zur Inkunabelkunde*, 1967, 3, p. 153; *Catalogus incunabulorum quae in bibliothecis publicis hungariae asservantur*, ed. G. Sajó, E. Soltész, vol. 1, Budapestini, 1970, no. 819; *Incunabula quae in bibliothecis Poloniae asservantur*, moderante A. Kawecka-Gryczowa, composuerunt M. Bohonos, E. Sandorowska, Wratislaviae 1970; *Incunabula quae in bibliothecis Poloniae asservantur*, vol. 2, *Addenda, indices*, composuerunt M. Bohonos, M. Spandowski, et E. Szandorowska, moderante A. Kawecka-Gryczowa, Wratislaviae 1994 [below: IBP] 5825; L. Ogierman, 'Drukarze i nakładcy z Bazylei w inkunabulach z Biblioteki Jasnogórskiej w Częstochowie,' in: *O etosie książki. Studia z dziejów bibliotek i kultury czytelnictwa*, ed. T. Wilkoń, Katowice 2017, p. 186. This copy was printed on parchment, L. Ogierman, *Konserwatorska ochrona zabytkowego zbioru bibliotecznego Zakonu Paulinów na Jasnej Górze w Częstochowie*, Katowice 2001, pp. 14–15.
- 02 According to E. Soltész's description, the copy in the University Library in Budapest lacks the beginning (pp. a–b8, c1–2), in the *Proprium de tempore* the following are missing: Aa3 and Mm7–8. The end is missing (as of the middle of the *Commune sanctorum*). E. Soltész, 'Die Erstausgabe des Pauliner-Breviers,' *Gutenberg Jahrbuch*, 1960, 35, p. 134. In the copy in the Jasna Góra Library, 24 pages of the Psalter are missing.
- 03 The fullest list of Pauline calendars has been composed by József Török, author of the monograph on Pauline liturgical books. It contains calendars of printed breviaries (1537, 1540) and missals (circa 1490, 1514, 1537) of the Order. J. Török, *A magyar pálosrend liturgiájának forrásai, kialakulása és főbb sajátosságai, 1225–1600*, Budapest 1977, pp. 205–220.
- 04 *Bibliografia Zakonu Paulinów za lata 1500–1990*, vol. 1, H. Czerwien, J. Zbudniewek, Warszawa 2008, no. 1724.
- 05 M. I. Foldvary, 'Pauline Customs within the Esztergom Use. Archaism, Variant or Usage,' in: *Liturgy and Music in the history of the Pauline Order*, eds. Erwin Mateja,

significant destruction and dispersion of Pauline collections, several 14th-century codes have been preserved, providing insight into the Pauline Holy Mass ceremony and their liturgical chant (*oficjum chórowe*): gradual,⁰⁶ missal,⁰⁷ breviary,⁰⁸ and ?diurnale/daily chants.⁰⁹ Another breviary¹⁰ and a fragment of the Pauline hymnarium¹¹ date from the turn of the 14th and 15th centuries. The scarcity of manuscripts earlier than the century is characteristic of historic Hungarian writing, which suffered significant losses during the Ottoman invasions.¹² Fifteenth-century codes exhibit even greater variety in the Order's liturgical books, including breviaries, missals, grand choir/chant books, and others, such as the *rituale* from the early 15th century¹³ encompassing guidelines for organ-

Remigiusz Pośpiech, Opole 2018, p. 61; G. Kiss, 'Pre-Tridentine sources of the Pauline

Mass chant repertory,' in: *Liturgia w klasztorach paulińskich...*, p. 199; D. Farkas, 'The main research results of Pauline Liturgical Chant in Hungary,' in: *Liturgia w klasztorach paulińskich w Polsce...*, p. 426; a detailed enumeration of some peculiar features of the Pauline Mass observance has been given by E. Kisbán, *Historia Zakonu Paulinów macierzystej prowincji węgierskiej*, vol. 2, trans. B. Natoński, Jasna Góra - Bydgoszcz 2009, pp. 243-246.

06 D. Farkas, op. cit., p. 418.

07 *Bibliotheca Hungarica. Kódexek és nyomtatott könyvek Magyarországon 1526 előtt*. vol. 1 A-J, C. Csapodi, K. Csapodiné Gárdonyi, Budapest 1988, no. 3248,

08 *Bibliotheca Hungarica...*, vol. 1, no. 1135; J. Kubieniec, 'Liturgia paulińska w średniowiecznej Polsce. Źródła i specyfika,' in: *Liturgy and music in the history of the Pauline Order*, eds. E. Matejka, R. Pośpiech, Opole 2018, p. 37.

09 D. Farkas, op. cit., p. 416.

10 J. Kubieniec, *Liturgia paulińska w średniowiecznej Polsce...*, p. 38.

11 D. Farkas, op. cit., p. 420.

12 G. Sarbak, 'Das Buch- und Bibliothekswesen der Pauliner im Mittelalter,' in: *Beiträge zur Geschichte des Paulinerordens*, ed. K. Elm, Berlin 2000, p. 39.

13 The basic study containing information on the preserved Pauline liturgical codes: Z. Kowalska-Urbankowa, J. Zbudniewek, 'Katalog rękopisów biblioteki paulinów w Krakowie na Skałce,' *Studia Claramontana*, 1987, 8, pp. 351-352; *Bibliotheca Hungarica*, vol. 1, nos. 433, 438, 443, 452, 709, 872, 913, 971, 1135, 1136, 1311, 1312; *Bibliotheca Hungarica. Kódexek és nyomtatott könyvek Magyarországon 1526 előtt*, vol. 2, K-Z, C. Csapodi i K. Csapodiné Gárdonyi, Budapest 1993, nos. 2628, 2819, 2977, 3245; P. Podejko, 'Katalog tematyczny rękopisów i druków muzycznych kapeli wokalo-instrumentalnej na Jasnej Górze,' *Studia Claramontana*, 1992, 12 no. 2387; J. Kubieniec, 'Średniowieczne rękopisy z archiwum jasnogórskiego,' in: *Liturgia w klasztorach paulińskich w Polsce. Źródła i początki*, ed. R. Pośpiech, Opole 2012, p. 136; D. Farkas, op. cit., pp. 416-422; G. Kiss, op. cit., pp. 200, 208. The list of Pauline codes containing musical notation complemented with the newly-dis-

izing breviary liturgy/Liturgy of the Hours.¹⁴ Developed during the period typical of medieval monasticism, the Pauline rite has its peculiarities to a degree not lesser than those of other Orders' rites.¹⁵ The evident tendency in it to individualize the rituale encountered another trend in the history of late-medieval rites, namely the aspiration to uniformize them.

The tendency to unify observances was strongly marked by the efforts undertaken by the Council of Constance (1414-1418) and Basel (1431-1449). Authorized by the Council of Basel, works on the new *Ordinarius divinatorum* for the Benedictine Order were conducted by the Abbots: Johann Dederoth and his continuator Johannes Hagen. Simultaneously, a different version of the Benedictines' *ordinarius* was elaborated in St. James's Abbey in Mainz. Among other tedious and effort-consuming editorial works, there was the revision of the calendar, harmonizing it with the contents of missals and breviaries.¹⁶ The Pauline Friars also aimed at uniformizing the rites, unifying the rules, texts, and liturgy melodies.¹⁷ The copying of liturgical codes was done to safeguard text conformity, verified by means of model copies. New books were not admitted to use without prior corrections, while introducing any changes required the superiors' approval.¹⁸

In the work of uniformizing liturgical books, an important role was played by the invention of print used in due course by gradually more ecclesial institutions. The printing of liturgy books developed in the 1470s. During this period, both the Dominicans and the Cluniacs submitted their breviaries for print.¹⁹ The subsequent

covered data after J. Szendrei, *A magyar középkor hangjegyes forrásai*, Budapest 1981; J. Kubieniec, *Liturgia paulińska w średniowiecznej Polsce...*, pp. 37-45.

14 E. Kisbán, op. cit., pp. 252-253.

15 M. I. Foldvary, op. cit., p. 56.

16 M. K. Duggan, 'Politics and text: bringing the liturgy to print,' *Gutenberg-Jahrbuch*, 2001, 76, pp. 105-108.

17 M. I. Foldvary, op. cit., p. 56.

18 G. Sarbak, *Das Buch- und Bibliothekswesen der Pauliner im Mittelalter...*, p. 46.

19 *Breviarium fratrum praedicatorum* w 1476, *Gesamtkatalog der Wiegendrucke*, vol. 1-7, Leipzig 1925-1938, vol. 8-12, Berlin-Stuttgart-New York 1978-2016, www.gesamtkatalogderwiegendrucke.de [below: GW], 5214, *Incunabula Short Title Catalogue*,

decades brought about the first editions of the breviary of the Carmelites in 1480,²⁰ of the Cistercians and Camaldolese in 1484,²¹ and of the Premonstratensians in 1488.²² According to the chronicles of the Pauline Order by Gregorius Gyöngyösi (*Vitae Fratrum Ordinis Sancti Pauli Primi Eremitae*), the first edition of the Pauline breviary and missal was elaborated by Antonius de Thata, vice-general, and preacher at the Budaszentlőrinc Monastery.²³ The assigning of the work on publishing liturgical books to a high Order dignitary shows how important the undertaking was to the Paulines. The elaboration of the first edition of the Pauline breviary by Antonius de Thata is also recorded in the catalog of the Pauline library in Lepoglava from 1754.²⁴

The first edition of the Pauline missal, produced around 1490,²⁵ lacks a publishing imprint, and incunabulum literature posits two potential print addresses: the publishing house of Konrad Stahel and Matthias Preinlein in Brno²⁶ or Johann Amerbach in Basel.²⁷ Similarly, the initial edition of the Pauline breviary, existing in two copies – one in the University Library in Budapest²⁸ and the other in the library at Jasna Góra with a copy printed on parchment²⁹ – remains typographically anonymous. Erszébet Soltész, an incunabula specialist, has described the Budapest volume. Earlier

<http://bl.uk/catalogues/istc> [below: ISTC] ib01138500; *Breviarium Cluniacense* w 1479, GW 5208, ISTC ib01137500.

20 GW 5192, ISTC ib01132100.

21 GW 5198, ISTC ib01135000; GW 5191, ISTC ib01132000.

22 GW 5230, ISTC ib01143970.

23 E. Soltész, *Die Erstaussgabe des Pauliner-Breviers...*, pp. 132–134.

24 J. Török, *A magyar pálosrend liturgiájának forrásai...*, p. 31.

25 GW M23909, ISTC im00641500.

26 J. C. T. Oates, *A catalogue of the fifteenth-century printed books in the University Library Cambridge*, Cambridge, 1954, no. 4035; IBP 3802.

27 V. Dokoupil, *Počátky Brněnského knižtisku*, Brno 1974, p. 102 and P. L. van der Haegen, *Basler Wiegendrucke*, Basel 1985, p. 136; I. Hubay, *Missalia Hungarica. Régi magyar misekönyvek*, Budapest 1938, p. 64.

28 G. Sajó, E. Soltész, *Catalogus incunabulorum quae in bibliothecis publicis Hungariae asservantur*, Budapestini 1970, [below: CIH] 819.

29 IBP 5825.

studies either omitted or provided limited information on the oldest edition of the Pauline breviary. According to Soltész's findings, the types used to press the breviary suggest a connection to Nicolas Kessler's printing house in Basel between 1486 and 1491.³⁰

The calendar was typeset with the same type used for printing the majority of the breviary text.³¹ Following the mode typical of medieval calendars, the first column is filled with golden numbers, all printed in red. This was one of the many versions of the calendar element that emerged from the 15th century to adjust the golden numbers to updated astronomical data.³² The layout of the golden numbers in Kessler's breviary was also used in the printed Pauline breviary from 1540.³³ However, in all the printed Pauline missals,³⁴ the traditional layout of the golden numbers known since the 980s was applied.³⁵ A similar conservatism characterized the first printed Esztergom missal and the breviaries of that rite.³⁶

In the second column of the discussed calendar, Dominical letters, majuscules, were printed in red, while the remaining letters were in black. In the third column, there is a Roman calendar, entirely printed in red. In the heading of each month, the number of its nights and days is provided. The described layout of the calendar elements is typical of many late-medieval ecclesial calendars.

30 E. Soltész, *Die Erstausgabe des Pauliner-Breviers...*, pp. 135–236.

31 *Veröffentlichungen der Gesellschaft für Typenkunde des XV. Jahrhunderts*, Jg. 12, Halle 1918, tabl. 1002, no. 2.

32 H. Wąsowicz, *Kalendarz ksiąg liturgicznych Kraków do połowy 16. wieku. Studium chronologiczno-typologiczne*, Lublin 1995, p. 92.

33 *Breviarium ordinis fratrum eremitarum sancti Pauli primi eremite*, Venezia, Petrus Liechtenstein, 1540.

34 See note 25; *Missale fratrum heremitarum ordinis divi Pauli primi heremite*, Venezia, Peter Liechtenstein, 1514; *Missale novum iuxta ritum ordinis fratrum eremitarum divi Pauli*, Venezia, Lucantonio I Giunta, 1537.

35 H. Wąsowicz, *Chronologia średniowieczna*, Lublin 2015, p. 358

36 *Missale Strigoniense 1484 id est Missale secundum chorum almae ecclesiae Strigoniensis, impressum Nurenbergae apud Anthonium Koburger, anno Domini MCCCCLXXXIII*, ed. B. Déri, Budapest 2009; CIH 2311, ISTC im00723000. Manuscript *Breviarium Strigoniense*, 1523–1524, Bibliothèque nationale de France. Département des Manuscrits, sygn. Latin 8879; printed *Breviarium secundum usum Almae et Metropolitanae Ecclesiae Strigoniensis*, Viennae, Raphael Hoffhalter, 1558.

The Pauline breviary and missal elaborated by Antonius de That and printed in a similar layout constitute an excellent source for researching a poorly identified process of preparing for printing a text of observances based on its manuscript versions. The issue becomes more interesting because the calendars of both books exhibit several differences. Two different variants of the arrangement of the golden numbers were used. The missal calendar has more elaborate months' headings containing lines of Egyptian days and Egyptian hours. In the breviary, there are 13 feast days not included in the missal calendar.³⁷ Conversely, the missal calendar contains 8 feast days not found in the breviary calendar,³⁸ resulting in a total of 21 differences in the sanctorale. These discrepancies reveal the complex process of unifying rites with the use of print, indicating the need for further investigation into the joint editorship of both liturgies.

In Pauline's medieval codes, the skeleton of qualities characteristic of the calendar of the Order can be observed. The Hungarian bases of Pauline observances were visible in the commemoration of St. Emeric (2 September and 5 November) and St Elizabeth of Hungary (19 November).³⁹ The Order also assumed two other feast days of St Ladislaus I (27 June and 29 November)⁴⁰ following the customs of Hungarian dioceses. Pauline-specific elements are solemn celebrations of St Paul the First Hermit in the highest Totum

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- 37 Feast days printed in the breviary calendar and missing in the missal calendar: Vigilia fratrum 9 January, St. Walpurga 25 February, St Benedict Abbot 21 March and its translation on 11 July, Annunciation to the Blessed Virgin Mary 25 March, Sts Vitus and Modest 15 June, *Anniversarium fratrum nostrorum defunctorum* 18 July, Transfiguration of Jesus 6 August, *Anniversarium regis Loudivici coniugis ac liberorum suorum* 12 August, *Anniversarium benefactorum et familiarum nostrorum* 18 September, Sts Cosmas and Damian 27 September, *Anniversarium parentum et fratrum nostrorum* 19 October, St Gracianus 17 December.
- 38 The feast days printed in the missal calendar and missing in the breviary calendar: St Valerius 29 January, St Julianus 16 February, St Gertrude 17 March, translation of St Dominic 24 May, St Oswald 4 August, St Quentin 31 October, St Maximus 15 December, St Anastasia 24 December.
- 39 P. Radó, *Libri liturgici manuscripti bibliothecarum Hungariae et limitropharum regionum*, Budapest 1973, p. 130.
- 40 H. Grotefend, *Zeitrechnung des Deutschen Mittelalters und der Neuzeit*, Bd. 2, Abt. 2, Hannover 1898, p. 127.

duplex rank (10 January) and the translation of that feast day (14 November) in the Duplex rank, the feast day of St Anthony the Great (17 January), celebrated as *festum fori* in the Duplex rank. The first printed calendar of the Order adopted that characteristic set of feasts en bloc.

The distinctive feature of the 14th-century Pauline calendar is found in the commemoration of deceased benefactors (18 September) and of monks' parents (21 October).⁴¹ The calendar of Kessler's breviary adopted both commemorations modifying the date from 21 to 19 October. Also the *Aniversarium fratrum nostrorum defunctorum* was printed in it (18 July). Owing to a defect, it is impossible to verify whether it was also included in the 14th-century missal. These days are not recorded in the calendar of the 15th-century edition of the Pauline missal. However, in the next century all the three commemorations were included for good in the calendar of the Order's liturgy books.⁴² The Paulines reserved special commemoration for their great benefactor Louis of Hungary commemorated in the 14th-century calendar on 11 September.⁴³ The first edition of the breviary commemorates him on 12 September. Meanwhile, in two editions of the Pauline missal: from 1514 and 1537 the date of 11 September was restored.⁴⁴

Apart from the individual selection of saints, respective Church calendars also contained varied systems of marking feast ranks, referred to as rites.⁴⁵ The discussed Pauline calendar applied a six-level ranking system: *Totum Duplex*, *Duplex*, *Semiduplex*, *Novem Lectionum*, *Trium Lectionum*, *Commemoratio*. In the Pauline breviary published in 1540, the system was streamlined, omitting

41 P. Radó, op. cit., p. 131.

42 *Aniversarium fratrum nostrorum defunctorum* (18 July), *Aniversarium benefactorum et familiarum nostrorum* (18 September), *Anniversarium parentum et fratrum nostrorum* (19 October). J. Török, *A magyar pálosrend liturgiájának...*, pp. 213, 216, 217.

43 P. Radó, op. cit., p. 130.

44 J. Török, *A magyar pálosrend liturgiájának...*, p. 216.

45 J. Harper, *Formy i układ liturgii zachodniej od X do XVIII wieku*, Kraków 2002, pp. 72–73.

the Semiduplex and Trium Lectionum ranks.⁴⁶ Feast ranks were absent in both the manuscript Pauline missal from the Benedictine library in Göttweig (Cod. 234) and the Pauline printed missals from the 15th and 16th centuries.⁴⁷

In the case of 27 commemorations, the rite transcription was abbreviated in the discussed calendar to siglum l or contraction/abbreviation lc without specifying the number of lessons: (III or IX lectionum).⁴⁸ On 20 August, by the feast of Bernard Abbot, two rites/?ranks were printed: unspecified lectionum and commemoration. The repeated use of an unclear notation may have resulted from Kessler's inexperience in producing liturgy books. Out of the 79 incunabula he printed, there is only one Pauline breviary and the Basel missal.⁴⁹ Meanwhile, printers specializing in this type of book, such as Georg Stuchs or Johann Prüss, were adept at avoiding similarly unclear content layouts.

In addition to the printed text, the breviary calendar from the collection of Fr. Prof. Janusz Zbudniewek OSPPE contains handwritten notes. Two hands – the first from the turn of the 15th and 16th centuries, and the second from the first half of the 16th century – added 31 feast days. The regional differentiations of medieval calendars allow for attempts to associate those entries with a definite Church center.

Eight of the added feast days were widely popular in European dioceses, including Polish ones. They encompassed the com-

46 See footnote 33.

47 See footnote 34.

48 Octave of Epiphany (13 January), St Thomas Aquinas (7 March), Crown of Thorns (4 May), St Stanislaus (8 May), St Dominic (24 May), St Urban (26 May), Sts Martinian and Processus (2 July), translation of St Martin (4 July), Octave of Sts Peter and Paul Apostles (6 July), Sts Andrew and Benedict (17 July), St Alexius (17 July), St Ladislaus I (29 July), St Felix and Companions (29 July), St Sixtus and Companions (6 August), St Afra (7 August), St Donatus (7 August), St Genesius (25 August), St Stephen (22 August), St Giles (1 September), St Euphemia (16 September), St Maurice and Companions (22 September), St Callixtus (14 October), St Cerbonius (14 October), St Gall (16 October), translation of St Adalbert (6 November), St Leonard (6 November), St Gracianus (17 December).

49 GW M24254, ISTC im00650000.

memorations of St. John Chrysostom (27 January),⁵⁰ St Valery (29 January),⁵¹ St Longinus (15 March),⁵² St Gertrude (17 March),⁵³ St Joseph (19 March),⁵⁴ St Sophia (15 May),⁵⁵ translation of St Benedict (11 July),⁵⁶ and the Presentation of the Blessed Virgin Mary (21 November).⁵⁷ Less popular, though also present in various European centres, were the commemorations St Bernardine of Siena (20 May)⁵⁸ and of St Sigismund (2 May).⁵⁹ Another category of the added feast days bears visible traces of the liturgical life of Poland, Bohemia, and Hungary: the countries jointly venerating several saints. These are the translations of St. Venceslaus (March 4),⁶⁰ Sts. Cyril and Methodius (March 9),⁶¹ St. Procopius of Sázava (July 4),⁶² St. Hedwig of Silesia (October 15),⁶³ and the Five Martyr Brothers (November 12).⁶⁴ The feast day of St. Stanislaus on May 8, printed

50 H. Grotefend, op. cit., p. 121; *Chronologia polska*, ed. B. Włodarski, 2nd edition, Warszawa 2007, p. 243.

51 *Chronologia polska...*, p. 259; H. Grotefend, op. cit., p. 180; H. Wąsowicz, *Chronologia średniowieczna...*, p. 601.

52 *Chronologia polska...*, p. 245. H. Grotefend, op. cit., p. 131; H. Wąsowicz, *Chronologia średniowieczna...*, p. 605.

53 H. Grotefend, op. cit., p. 110; *Chronologia polska...*, p. 240.

54 H. Grotefend, op. cit., p. 124; *Chronologia polska...*, p. 243; H. Wąsowicz, *Chronologia średniowieczna...*, p. 606.

55 *Chronologia polska...*, p. 256; H. Grotefend, op. cit., p. 172; H. Wąsowicz, *Chronologia średniowieczna...*, p. 611.

56 *Chronologia polska...*, p. 225; H. Wąsowicz, *Chronologia średniowieczna...*, p. 615.

57 H. Wąsowicz, *Chronologia średniowieczna...*, p. 627.

58 *Chronologia polska...*, p. 225; H. Grotefend, op. cit., p. 73; H. Wąsowicz, *Chronologia średniowieczna...*, p. 611.

59 *Chronologia polska...*, p. 256; H. Grotefend, op. cit., p. 169-170.

60 H. Grotefend, op. cit., p. 182; *Chronologia polska...*, p. 260; H. Wąsowicz, *Kalendarz ksiąg liturgicznych Krakowa...*, pp. 320-321.

61 H. Grotefend, op. cit., p. 80; *Chronologia polska...*, p. 229; H. Wąsowicz, *Kalendarz ksiąg liturgicznych Krakowa...*, pp. 320-321; H. Wąsowicz, *Chronologia średniowieczna...*, p. 605.

62 *Chronologia polska...*, p. 252; H. Grotefend, op. cit., p. 157; H. Wąsowicz, *Kalendarz ksiąg liturgicznych Krakowa...*, pp. 328-329; H. Wąsowicz, *Chronologia średniowieczna...*, p. 615.

63 *Chronologia polska...*, p. 241; H. Grotefend, op. cit., p. 114; H. Wąsowicz, *Kalendarz ksiąg liturgicznych Krakowa...*, pp. 338-339; H. Wąsowicz, *Chronologia średniowieczna...*, p. 624.

64 *Chronologia polska...*, p. 253; H. Grotefend, op. cit., p. 158; H. Wąsowicz, *Kalendarz*

in black, was hand-framed in red paint, namely marked as *festum fori*, and next to the abbreviation providing the feast's rite: *lectionem* (not specifying whether it is the rite of III or IX lessons), the duplex rank having been added in red. This correction points to the influence of the observances of several dioceses in which St. Stanislaus' *dies natale* was a holy day of obligation. Such a high grade was given to that feast day in Gniezno, Kraków, Wrocław, Esztergom, and Pécs.⁶⁵

The feast days celebrated exclusively in the Gniezno Metropolis, as reflected in the added notes in the calendar, allow for a more precise identification of the ecclesial circle. The translation of St. Adalbert added on October 20 is typical of the calendars of the Gniezno Archdiocese and the Kraków, Płock, Poznań, and Włocławek Dioceses.⁶⁶ This celebration originated in Gniezno, from where it spread to some of its dependent centers. However, in the Wrocław Diocese, the translation of St. Adalbert was celebrated on August 25 in harmony with the Bohemian custom, and around 1400, it was moved to August 26.⁶⁷ This basis allows for the elimination of Wrocław inspiration as the source of the introduction of the translation of the Bohemian Duke. Outside the Gniezno Metropolis, the translation of St. Stanislaus to September 27 appeared only in the calendars of the Lubusz Diocese and the Teutonic Order.⁶⁸ In the Metropolis itself, this feast day appeared in the Gniezno, Kraków, Płock, Poznań, Włocławek, and Wrocław calendars.⁶⁹ What can be

ksiąg liturgicznych Krakowa..., pp. 340–341; H. Wąsowicz, *Chronologia średniowieczna...*, p. 626.

65 H. Grotefend, op. cit., p. 172.

66 *Chronologia polska...*, p. 221; H. Wąsowicz, *Kalendarz ksiąg liturgicznych Krakowa...*, p. 413; H. Wąsowicz, *Chronologia średniowieczna...*, p. 624. Meanwhile, in Hungarian calendars the translation of St. Adalbert was on November 6. H. Grotefend, op. cit., p. 56; *Missale Strigoniense 1484...*, p. 17; H. Kowalewicz, 'Rękopiśmienny kalendarz poznański z XV wieku,' *Zeszyty Naukowe Uniwersytetu im. Adama Mickiewicza w Poznaniu*, 1964, 54, p. 49.

67 W. Danielski, *Kult St Wojciecha na ziemiach polskich w świetle przedtrydenckich ksiąg liturgicznych*, Lublin 1997, pp. 61–63; E. Mateja, *Śląski kalendarz liturgiczny świętych. Geneza i rozwój do czasu reformy papieża Piusa X*, Opole 2006, pp. 65, 70–71.

68 H. Grotefend, op. cit., p. 172.

69 *Chronologia polska...*, p. 257; H. Wąsowicz, *Chronologia średniowieczna...*, p. 622. H.

regarded as typical of several dioceses of the Gniezno Metropolis is the commemoration of The Forty Martyrs on March 11, whereas, in other dioceses, this feast day was celebrated on March 9 or 10.⁷⁰ The characteristic dates of three feasts specify even more precisely the territory on which the incunable was used. In the Gniezno, Kraków, Włocławek, and Poznań calendars, St. Castulus is commemorated on March 27, while in other dioceses, it is on March 26.⁷¹ St. Vincent Ferrer was commemorated on April 6 only in the Kraków and Płock calendars. In other dioceses, he was commemorated on April 5.⁷² Furthermore, the date of the commemoration of St. Gumbertus on March 20 is specific to Kraków and Włocławek calendars.⁷³ Only the Kraków Diocese calendars contain the above-mentioned otherwise rare dates, allowing for the identification of the usage territory of the incunable within the Kraków Diocese.

The likely echo of Kraków's impact is discernible in the circled *in rubro* entry, now illegible, under the date of April 11. In the margin, the note S. S. has been preserved: perhaps the beginning of S[ancti] S[tanislai]. Above the printed inscription: Leoni pape commemoratio under the date of April 11, there is a circled/crossed-out, albeit illegible entry. Its date and color suggest it may have been Occisio sancti Stanislai, exclusively present in the calendars of the Kraków Diocese.⁷⁴ The crossing out of the inscription may have resulted from the fact that a different date was assumed for

Kowalewicz, op. cit., p. 48; E. Mateja, *Śląski kalendarz liturgiczny...*, pp. 72, 77. Święto odnotowano także w jednym kalendarzu krzyżackim *Missale secundum notulam Dominorum Teutonicorum*, XV w., Gdańsk, Biblioteka PAN, call no. Ms Mar F 401. H. Piwoński, *Kult świętych w zabytkach liturgicznych Krzyżaków w Polsce*, Lublin 1983, p. 350.

70 H. Grotefend, op. cit., p. 158; *Chronologia polska...*, p. 253; H. Wąsowicz, *Kalendarz ksiąg liturgicznych Krakowa...*, pp. 320–321; H. Wąsowicz, *Chronologia średniowieczna...*, p. 605.

71 H. Grotefend, op. cit., p. 78; *Chronologia polska*, p. 227; H. Wąsowicz, *Chronologia średniowieczna...*, p. 606.

72 H. Grotefend, op. cit., p. 185; *Chronologia polska...*, p. 259; H. Wąsowicz, *Chronologia średniowieczna...*, p. 607; H. Kowalewicz, op. cit., p. 43.

73 *Chronologia polska...*, p. 229; H. Wąsowicz, *Kalendarz ksiąg liturgicznych Krakowa...*, pp. 320–321; H. Wąsowicz, *Chronologia średniowieczna...*, p. 606.

74 H. Grotefend, op. cit., p. 172; H. Wąsowicz, *Chronologia średniowieczna...*, p. 608.

the feast day of St. Stanislaus, namely May 8, in compliance with the papal canonization bull.⁷⁵

Besides the likely impact of the diocesan liturgy, some of the added feast days show only a fractional relation to Kraków calendars. It was only sporadically that St. Regina (June 20)⁷⁶ and St. James the Persian (November 27)⁷⁷ appeared in them. St. Caius was added to the calendar on April 23; meanwhile, in Kraków, he was commemorated a day earlier.⁷⁸ St. Erasmus was commemorated only by scarce Kraków calendars on June 4.⁷⁹ St. John of Jerusalem is not mentioned in Kraków calendars on November 15; if at all, he is commemorated a day earlier.⁸⁰ No trace of St. Antoninus, added to the calendar on September 3, has been found in Kraków calendars.⁸¹ To date, research has identified three glosses that added the saints not associated with calendars of Polish dioceses.⁸²

The inclusion of feast days characteristic of calendars of the Kraków Diocese into the discussed calendar suggests that the incunable may have been used in one of the Pauline monasteries within its borders. In the 15th century, it was the Monastery at Beszowa (founded in 1421), which operated in Częstochowa (1382), Kraków (1472), and

75 W. Schenk, 'Liturgiczny kult St. Stanisława Biskupa w Polsce,' *Analecta Cracoviensia*, 1979, 11, p. 588.

76 H. Wąsowicz, *Kalendarz ksiąg liturgicznych Krakowa...*, p. 467. On that day it was commemorated in Wrocław and Włocławek calendars. H. Wąsowicz, *Chronologia średniowieczna...*, p. 614; *Chronologia polska...*, p. 254.

77 H. Wąsowicz, *Kalendarz ksiąg liturgicznych Krakowa...*, p. 482. St. James the Persian is present in the Wrocław calendar on November 27, *Chronologia polska...*, p. 243; H. Wąsowicz, *Chronologia średniowieczna...*, p. 627.

78 *Chronologia polska...*, p. 239; H. Wąsowicz, *Kalendarz ksiąg liturgicznych Krakowa...*, pp. 322–323; H. Wąsowicz, *Chronologia średniowieczna...*, p. 609.

79 H. Wąsowicz, *Kalendarz ksiąg liturgicznych Krakowa...*, p. 466. In Poland the typical date for St. Erasmus was June 3. *Chronologia polska...*, p. 237; H. Wąsowicz, *Kalendarz ksiąg liturgicznych Krakowa...*, pp. 326–327; H. Wąsowicz, *Chronologia średniowieczna...*, p. 612.

80 H. Wąsowicz, *Kalendarz ksiąg liturgicznych Krakowa...*, p. 481. This feast day was also present in the calendars of Gniezno, Płock, and Poznań. *Chronologia polska...*, p. 243.

81 H. Wąsowicz, *Kalendarz ksiąg liturgicznych Krakowa...*, p. 473. He was also noted in the calendars of Wrocław and Włocławek. *Chronologia polska...*, p. 223; H. Wąsowicz, *Chronologia średniowieczna...*, p. 620.

82 March 1 *Lesini ep[iscop]i et co[n]fessoris*, March 22 *Patricii episcopi et confessoris*, October 22 *Hilarionis*.

Pińczów (1436).⁸³ The identification of the place of its use sheds additional light on the reasons for adding numerous feast days to the calendar. The Beszowa Monastery was the first in Polish territories to run a parish.⁸⁴ Besides the four oldest Pauline foundations on Polish lands (Wieluń and Wieruszów in the Gniezno Archdiocese, Częstochowa in the Kraków Diocese, and Mochów in the Wrocław Diocese), all Pauline monasteries were involved in parish activities. That situation aligned the Paulines with the local rhythm of the ecclesial year, which must have had an impact on monastic calendars, including the breviary calendar discussed in the present paper.

To date, research has identified several instances of transferring elements of observances from other ecclesiastic centers to Pauline codes. In their ceremonial structure, the Paulines adopted elements from the observances of the Roman Curia, Canons Regular of St. Augustine, and the Dominicans.⁸⁵ Preserved Pauline codes bear witness to the impact of local customs on ceremonies celebrated within monastic walls. These influences are evident in the preserved liturgical codes in the Jasna Góra Library, where manuscript Roman and diocesan breviaries and missals from the 15th century have been preserved.⁸⁶ Furthermore, instances of the local impact on the content of the Order's respective codes have been identified. Fr. Prof. Janusz Zbudniewek OSPPE highlighted the need to identify local discrepancies and manifestations of creative invention in the 21 liturgical manuscripts from the 15th century in the Jasna Góra Library.⁸⁷ The works conducted for this purpose yielded some interesting results. In the mid-15th century, the Jasna

83 J. Zbudniewek, 'Katalog domów i rezydencji polskiej prowincji paulinów,' *Nasza Przyszłość*, 1969, 31, p. 190, 195, 206, 215.

84 J. Zbudniewek, *Katalog domów i rezydencji...*, p. 183.

85 J. Török, 'Die Paulinerliturgie in Ungarn' in: *Beiträge zur Geschichte des Paulinerordens*, ed. K. Elm, Berlin 2000, pp. 132-134.

86 J. Zbudniewek, 'Kodeks reguł paulińskich zwany, "Katenatem" na tle kultury książki w zakonie paulinów w XVI stuleciu,' *Z Badań nad Polskimi Księgozbiorami Historycznymi*, 1980, 4, p. 109.

87 J. Zbudniewek, 'Kopiarze zakonu paulinów w Polsce do końca XVII wieku,' *Archiwa Biblioteki i Muzea Kościelne*, 1977, 34, p. 313.

Góra Monastery, and possibly other monasteries in Poland, adjusted their calendars to the widespread practice in Poland of celebrating the feast day of St. Adalbert on October 20.⁸⁸ In two breviaries from the first half of the 15th century originating from Mochów near Głogówek, feast days from the Wrocław Diocese were added (of St. Stanislaus, St. Hedwig, and St. Gertrude of Nijvel/Nivelles?). In the Jasna Góra missal created in 1506–1507, an even stronger impact of the Kraków rite can be seen.⁸⁹ Its calendar includes feast days unknown in Hungary but celebrated in the Gniezno Metropolis: the translation of St. Stanislaus (September 27), the feast day of St. Hedwig (October 15), and also the translation of St. Adalbert on the ‘Polish date’ of October 20.⁹⁰ The influence of the Kraków liturgy also included formulas [formularze] of certain saints and, to a lesser degree, the proprium de tempore adopted from the Kraków missal.⁹¹ The calendar of the first edition of the Pauline breviary serves as a link between the medieval and Renaissance forms of Pauline liturgy. Alongside the calendar of the Order’s first printed missal, it facilitates a more thorough investigation of the process of standardizing texts in preparing the version for the printing press. Discrepancies between the missal and breviary calendars point to the intricate relations between manuscript calendars and their successors from the incunabula era. The history of the Pauline sanctorale necessitates further research covering the relations among calendars from the 14th to the 16th century. Numerous notes added to the calendar demonstrate the strength of the impact of local cults on the shape of observances standardized through print, which had to prioritize the deeply rooted habit of adjusting the text to the needs of a specific monastery.

88 W. Danielski, op. cit., p. 64.

89 J. Kubieniec, ‘Pauline liturgy in medieval Poland: sources and peculiarities,’ in: *Liturgy and Music in the history of the Pauline Order*, eds. E. Mateja, R. Pośpiech, Opole 2018, pp. 21–22.

90 J. Kubieniec, ‘The place of the Missal of Jasna Góra in the liturgical-musical tradition of Pauline Fathers,’ in: *Mszał Jagiellonów z Jasnej Góry*, ed. R. Pośpiech, Opole, Częstochowa, 2013, p. XXXIII.

91 J. Kubieniec, *The place of the Missal of Jasna Góra...*, pp. XXXIII–XXXVI.

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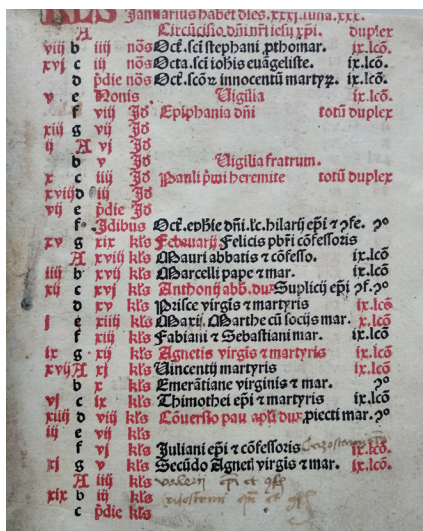


Fig. 1 *Breviarium fratrum eremitarum sancti Pauli primi eremitae*. [Basel, Nicolaus Kesler, 1486–91], fol. [12] recto. Rev. Janusz Zbudniewek collection. Photo by the author.

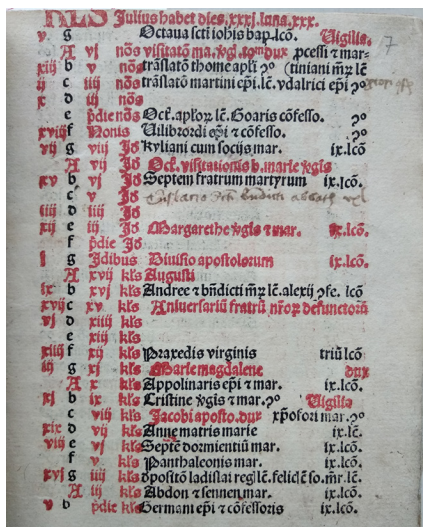


Fig. 2 *Breviarium fratrum eremitarum sancti Pauli primi eremitae*. [Basel, Nicolaus Kesler, 1486–91], fol. [42] recto. Rev. Janusz Zbudniewek collection. Photo by the author.

EDITORIAL NOTE

The calendar's edition followed the guidelines outlined in the Projekt instrukcji wydawniczej dla pisanych źródeł historycznych do połowy XVI w.⁹² The most frequently applied regulations of the guidelines are as follows: not to provide the full form of the words sanctus and beatus (the list of preserved abbreviations is provided below); to maintain the features of the text's spelling; to apply modern rules for the use of majuscule and minuscule; to place full stops following the suspensja and sigla; to place added notes in footnotes. Bold print signifies the feast days printed in red, because the color distinguishes the rank of a feast day in an ecclesial calendar. Black signifies festum chori, while red shows the holy days of obligation: festum fori. For the sake of the edition's clarity, bold text does not mark golden numbers, Dominical letters, the Roman calendar, and headings printed in red, because, in the latter cases, the change of color does not imply any additional change of meaning. Arabic numbering of month days has been added to facilitate the edition's use; it is absent in the Breviarium fratrum eremitarum calendar.

LIST OF ABBREVIATIONS USED IN THE CALENDAR

Id. – Idus
Kls – Kalendas
Nos – Nonas
oct. – octava
sci – sancti
sanci – sancti
sco – sanctorum

92 A. Wolff, 'Projekt instrukcji wydawniczej dla pisanych źródeł historycznych do połowy XVI w.', *Studia Źródłoznawcze*, 1957, 1, pp. 155-184.

CALENDAR OF BREVIARIUM FRATRUM EREMITARUM
SANCTI PAULI PRIMI EREMITAE (IBP 5825)

IANUARIUS HABET DIES XXXI. LUNA XXI

1	A	Kls	Circu[m]cisio D[omi]ni n[ost]ri Iesu X[rist]i	duplex
2	viii	b	iii Nos	Oct. sci Stephani p[ro]thomar[tyris]
3	xvi	c	Iii Nos	Oct. sancti Ioh[ann]is eva[n]geliste
4		d	p[ri]die Nos	Oct. sco Innocenti[i]u[m] martyr[um]
5		e	Nonis	Vigilia
6		f	viii Id.	Epiphania D[omi]ni
7		g	vii Id.	
8	A		vi Id.	
9		b	v Id.	Vigilia fratrum
10	x	c	iiii Id.	Pauli p[ri]mi heremite
11	xviii	d	iii Id.	
12	vii	e	p[ri]die Id.	
13		f	Idibus	Oct. Ep[ip]h[an]ie D[omi]ni Hilarii ep[iscop]i et [con]f[essoris]
14	xv	g	xix Kls Februarii	Felicitis p[re]s[b]ite[ri] co[n]fessoris
15		A	xviii Kls	Mauri abbatis [et] co[n]fesso[ris]
16	iiii	b	xvii Kls	Marcelli pape [et] mar[tyris]
17	xii	c	xvi Kls	Anthonii abb[atis] Suplicii ep[iscop]i [con]f[essoris]
18		d	xv Kls	Prisce virg[ini]s et martyris
19	i	e	xiiii Kls	Marii Marthe cum sociis mar[tyris]
20		f	xiii Kls	Fabiani [et] Sebastiani mar[tyris]
21	ix	g	xii Kls	Agnetis virg[ini]s [et] martyris
22	xvii	A	xi Kls	Vincentii martyris
23		b	x Kls	Emera[n]tiane virginis et martyris
24	vi	c	ix Kls	Thimothei ep[iscop]i [et] martyris
25	xiii	d	viii Kls	Co[n]versi Pau[li] ap[osto]li P[ro]iecti mar[tyris]
26	iii	e	vii Kls	
27		f	vi Kls	Iuliani ep[iscop]i et co[n]fessorisa
28	xi	g	v Kls	Secu[n]do Agneti virginis [et] martyris
29		A	iiii Klsb	

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- a Crizostomi ep[iscop]i.
b Valerii ep[iscop]i et [confessoris].

30	xix	b	iii Klsc
31		c	p[ri]die Kls

FEBRUARIUS HABET DIES XXVIII LUNA XXIX

1		d		Ignacii ep[iscop]i [et] mar[tyris] Brigide V[ir]g[inis]	l[e]c[tionum] [commemoratio]
2	xvi	e	iiii Nos	Purificatio b. Marie V[ir]g[inis]	duplex
3		f	iii Nos	Blasii ep[iscop]i et martyr	ix l[e]c[t]o[n]es
4	v	g	p[ri]die Nos		
5	xiii	A	Nonis	Agathae v[ir]ginis [et] martyr	ix l[e]c[t]o[n]es
6		b	viii Id.	Dorothee virginis et mar[tyris]	ix l[e]c[t]o[n]es
7	ii	c	vii Id.		
8	x	d	vi Id.		
9	xvi	e	v Id.	Appolonie v[ir]g[inis] et mar[tyris]	ix l[e]c[t]o[n]es
10		f	iiii Id.	Scolastice virg[inis]	ix l[e]c[t]o[n]es
11	vii	g	iii Id.		
12		A	p[ri]die Id.		
13	xv	b	Idibus		
14	iiii	c	xvi Kls	Marcii Valentini mar[tyris]	ix l[e]c[t]o[n]es
15		d	xv Kls		
16	xii	e	xiiii Kls		
17		f	xiii Kls		
18	i	g	xii Kls		
19	ix	A	xi Kls		
20		b	x Kls		
21	xvii	c	ix Kls		
22	vi	d	viii Kls	Cathedra b. Petri	
23		e	vii Kls	Vigilia	
24	xiiii	f	vi Kls	Matthie apo[stoli] Gergardi ep[iscop]i et m[a]r[tyris]	du[ple]x [commem- moratio]
25	iii	g	v Kls	Walpurgae virginis	[commemoratio]
26	xi	A	iiii Kls		
27		b	iii Kls		
28	xix	c	p[ri]die Kls		

c Crizostomi ep[iscop]i et [confessoris].

MARCIVS HABET DIES XXXI LUNA XXXI					
1		d ^d	Kls		
2	viii	e	vi Nos		
3		f	v Nos		
4	xvi	g	iiii Nos ^e		
5	v	A	iii Nos		
6	xiii	b	p[ri]die Nos		
7	ii	c	Nonis	Thome de Aq[ui]no [con]fesso[ris] Pe[r]p[et]ue [et] Felicis mar[tyrum]	l[e]c[tiones] [commemoratio]
8		d	viii Id.		
9	x	e	vii Id. ^f		
10		f	vi Id.		
11	viii	g	v Id. ^g		
12	ii	A	iiii Id.	Gregorii pape [et] doctoris	duplex
13		b	iii Id.		
14	v	c	p[ri]die Id. ^h		
15		d	Idibus ⁱ		
16	iiii	e	xvii Kls Aprilis		
17	xii	f	xvi Kls ^j		
18		g	xv Kls		
19	i	A	xiiii Kls ^k		
20	ix	b	xiii Kls ^l		
21	xvii	c	xii Kls	Benedicti abbatis	ix l[e]c[t]io[n]es
22		d	xi Kls ^m		
23	vi	e	x Kls ⁿ		
24	xiiii	f	ix Kls		
25		g	viii Kls	Annu[n]ciatio b. Marie V[ir]gi[ni]s	duplex

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- d Lesini ep[iscop]i et co[n]fessoris.
- e T[ra]nslacio scti Wencesali.
- f Cirilli [et] Methodii ep[iscop]o[rum].
- g 11 marca: Quadraginta [militum] m[a]r[tyrum].
- h Razura.
- i Longini milit[is].
- j Gertrudis.
- k Jozephi.
- l Gumberti ep[iscop]i [et] [confessoris].
- m Patricii ep[iscop]i [et] [confessoris].
- n Razura.

26	A	vii Kls
27	b	vi Kls ^o
28	c	v Kls
29	d	iiii Kls
30	e	iii Kls
31	f	p[ri]die Kls

APRILIS HABET DIEX XXX LUNA XXIX

1		g			
2	xvi	A	iiii Nos	Marie Egipciace peccatricis ^o	co[me]mo[ratio]
3		b	iii Nos		
4	v	c	p[ri]die Nos	Ambrosii ep[iscop]i [et] doctoris	duplex
5	xiii	d	Nonis		
6	ii	e	viii Idus ^a		
7	x	f	vii Idus		
8		g	vi Idus		
9	xviii	A	v Idus		
10		b	iiii Idus ^r		
11	vii	c	Id.	Leonis pape	commemoratio
12		d	p[ri]die Id.		
13	xv	e	Idibus	Eufemie vi[r]gi[ni]s et martyris	com[m]emo[ratio]
14	iiii	f	Kls Maii	Tiburcii [et] Valeria[n]i mar[tyrum]	ix l[e]c[t]i[o]nes
15		g	xvii Kls		
16	xii	A	xvi Kls		
17		b	xv Kls		
18	i	c	xiiii Kls		
19	ix	d	xiii Kls		
20	xvii	e	xii Kls		
21	vi	f	xi Kls		
22		g	x Kls		
23	xiiii	A	ix Kls	Adalberti ep[iscop]i [et] martyris	ix l[e]c[t]i[o]nes ^a
24		b	viii Kls	Georgii martyris	ix l[e]c[t]i[o]nes

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- o

Castuli m[a]r[tyris].
- p

Razura.
- q

Vincentii [nieczytelne] [con]fe[ssoris].
- r

Zakreślony zapis *in rubro*. Prawdopodobnie: *sancti Stanislai*.
- s

Gaii p[a]p[e] et m[a]r[tyri]s.

25	iii	c	vii Kls	Marci eua[n]geliste Letania maior	duplex
26	xi	d	vi Kls		
27		e	v Kls		
28	xix	f	iiii Kls	Vitalis martyrīs	ix l[e]c[t]i[o]nes
29		g	iii Kls	Petri martyrīs	ix l[e]c[t]i[o]nes
30	viii	A	p[ri]die Kls		

MAIUS HABET DIES XXXI LUNA XXX

1		b	Kls	Philippi [et] Iacobi ap[osto]l[orum]	duplex
2	xvi	c	vi nonas ^t		
3	v	d	v nos	Inventio s. cruce[is] Allexii cu[m] so[ciis] mar[tyrum]	du[plex] [commemoratio]
4	xiii	e	iiii nos	Spinee corone D[omi]ni Florian[n]i martyrīs	l[e]c[t]iones [commemoratio]
5	ii	f	iii nos	Gothardi ep[iscop]i [et] co[n]fess[oris]	co[m]memorat[i]o
6		g	p[ri]die nos	Ioh[ann]is an[te] porta[m] latina[m]	semiduplex
7	x	A	Nonis		
8		b	viii Id.	App[ar]itio s. Michael[is] Stanislaw ep[iscop]i et mar[tyris] ^u Victori martyrīs	duplex l[e]c[t]iones [commemoratio]
9	xviii	c	vii Id.		
10	vii	d	vi Id	Gordiani [et] Epimachi mar[tyrum]	ix l[e]c[t]i[o]nes
11		e	v Id.	Gengolfi martyrīs	com[m]emorat[i]o
12	xv	f	iiii Id.	Nerei [et] Achilei mar[tyrum]	ix l[e]c[t]i[o]nes
13		g	iii Id.	Marie ad marty[res] S[er]vacii ep[iscop]i [et] co[n]fess[oris]	[commemoratio] com[m]e[m]oratio
14	iiii	A	p[ri]die Id.	Bonifacii mar[tyris]	ix l[e]c[t]i[o]nes
15	xii	b	Idibus ^r		
16		c	xvii Kls Iunii		
17	i	d	xvi Kls		
18	ix	e	xv Kls		
19	xvii	f	xiii Kls	Potentiane virginis	trium l[e]c[t]i[o]nes
20		g	xiii Kls ^w		
21	vi	A	xii Kls	Helene regine	com[m]emoratio

t Sigismundi regis [et] m[a]r[tyris].
u Rubro: du[plex]. W Stanislaw *Sta* zaznaczono odręcznie *in rubro*.
v Zophie cu[m] filiabus omnia de vir[gin]ib[us].
w B[er]nardini [con]f[essoris].

22		b	xi Kls		
23	xiii	c	x Kls		
24	iii	d	ix Kls	D[omin]ici confessoris Do[n]aciani [et] Rogatia[n]i mar[tyrum]	l[e]c[tiones] com[m]emoratio
25		e	viii Kls	Urbani pa[pe] et mar[tiris] Tra[n]slatio s. Fra[n]cisci	l[e]c[tiones] com[m]emora[tio]
26		f	vii Kls		
27		g	vi Kls		
28		A	v Kls		
29	viii	b	iiii Kls		
30		c	iii Kls		
31	xvi	d	p[ri]die Kls	Petronlle virginis	ix l[e]c[tio]nes]
IUNIUS HABET DIES XXX LUNA XXIX					
1		e		Nicomedis martyris	com[m]emoratio
2	v	f	iiii Nos	Marcelli [et] Petri mar[tyrum]	ix l[e]c[tio]nes]
3	xiii	g	iii Nos	Perge[n]tini [et] Laure[n]tini mar[tyrum]	ix l[e]c[tio]nes]
4	ii	A	p[ri]die Nos	Quirini martyris*	com[m]emorat[i]o
5		b	Nonis	Bonifacii ep[iscop]i [et] mar[tyris]	[commemoratio]
6	x	c	viii Id.		
7	xviii	d	vii Id.		
8		e	vi Id.	Medardi [et] Gildari ep[iscop]o[rum]	[commemoratio]
9	vii	f	v Id.	Primi et Feliciani mar[tyrum]	ix l[e]c[tio]nes]
10		g	iiii Id.		
11	xv	A	iii Id.	Barnabe apostoli	du[plex]
12	iiii	b	p[ri]die Id.	Basilidis cum sociis mar[tyrum]	ix l[e]c[tio]nes]
13		c	Idibus	Anthonii confessoris	[commemoratio]
14	xii	d	xviii Kls Iulii	Basilii [et] Ananie ep[iscop]o[rum]	[commemoratio]
15		e	xvii Kls	Viti [et] Modesti mar[tyrum]	ix l[e]c[tio]nes]
16	i	f	xvi Kls	Cirici [et] Iulite mar[tyrum]	ix l[e]c[tio]nes]
17	ix	g	xv Kls		
18	xvii	A	xiiii Kls	Marci [et] Marcelliani mar[tyrum]	ix l[e]c[tio]nes]
19		b	xiii Kls	Gervasii [et] P[ro]thasii mar[tyrum]	ix l[e]c[tio]nes]
20	vi	c	xii Kls ^y		
21	xiiii	d	xi Kls	Paulini ep[iscop]i [et] co[n]fesso[ris]	ix l[e]c[tio]nes]
22		e	x Kls	Achacii cu[m] so[ciorum] m[artyrum] Albani m[a]r[tyris]	ix l[e]ctiones] [commemoratio]

x Erasmi.
y Regine vi[r]g[inis]] et mar[tyris].

23	iii	f	ix Kls	Vigilia	
24	xi	g	viii Kls	Nativitas b. Ioh[ann]is Baptiste	du[plex]
25		A	vii Kls		
26	xix	b	vi Kls	Ioh[ann]is ^a [et] Pauli martyrum	ix l[e]c[t]i[o]nes]
27		c	v Kls	Ladislai regis [et] confessoris	du[plex]
28	viii	d	iiii Kls	Leonis pape Vigilia	[commemoratio]
29		e	iii Kls	Petri [et] Pauli apostolo[rum]	du[plex]
30	vi	f	p[ri]die Kls	Co[m]mem[oratio] scti Pauli Ap[osto]li	du[plex]

IULIUS HABET DIES XXXI LUNA XXX

1	v	g	Kls	Octava scti Ioh[a]nis Bap[tiste] Vigilia	l[e]c[t]i[o]nes]
2		A	vi Nos	Visitat[i]o Ma[riae] V[ir]g[i]ni[s] P[ro]cessi et Martiniani m[arty]rum	to[tu]m du[plex] l[e]c[t]iones]
3	xiii	b	v Nos	Tra[n]slat[i]o Thome ap[osto]li	[commemoratio]
4	ii	c	iiii Nos	Tra[n]slat[i]o Martini ep[iscop]i Udalrici ep[iscop]i ^{aa}	l[e]c[t]iones] [commemoratio]
5	x	d	iii Nos		
6		e	p[ri]die Nos	Oct. Ap[osto]l[orum] Goaris confesso[ris]	l[e]c[t]iones] [commemoratio]
7	xviii	f	Nonis	Vilibrordi ep[iscop]i [et] confesso[ris]	[commemoratio]
8	vii	g	viii Id.	Kyliani cum sociis mar[tyrum]	ix l[e]c[t]i[o]nes]
9		A	vii Id.	Oct. Visitationis b. Marie V[ir]g[in]is	
10	xv	b	vi Id.	Septem Fratrum Martyrum	ix l[e]c[t]i[o]nes]
11		c	v Id. ^{ab}		
12	iiii	d	iiii		
13	xii	e	iii	Margarethe v[irgin]is [et] mar[tyris]	ix l[e]c[t]i[o]nes]
14		f	p[ri]die Id.		
15	i	g	Idibus	Divisio Apostolorum	ix l[e]c[t]i[o]nes]
16		A	xvii Kls Augusti		
17	ix	b	xvi Kls	Andree et B[e]n[e]dicti m[artyrum] Alexii [con]f[essoris]	l[e]c[t]iones]
18	xvii	c	xv Kls	Aniversariu[m] fratriu[m] n[ost]ro[rum] defunctoru[m]	
19	vi	d	xiv Kls		

z W druku błędnie: Loh[ann]is.
aa P[ro]copii.
ab T[r]anslatio s[an]cti B[ene]dicti abbatis.

20		e	xiii Kls			
21	xiii	f	xii Kls	Praxedis virginis	triu[m] l[e]c[ti]o[n]es	
22	iii	g	xi Kls	Marie Magdalene	du[plex]	
23		A	x Kls	Appolinaris epi[scopi] et mar[tyris]	ix l[e]c[ti]o[n]es	
24	xi	b	ix Kls	Cristine v[ir]g[in]is [et] mar[tyris] Vigilia	[commemoratio]	
25		c	viii Kls	Iacobi aposto[li] X[isto]pofori	du[plex] [com- memoratio]	
26	xix	d	vii Kls	Anne matris Marie	ix l[e]c[ti]o[n]es	
27	viii	e	vi Kls	Septe[m] dormientiu[m] mar[tyrum]	ix l[e]c[ti]o[n]es	
28		f	v Kls	Panthaleonis mar[tyris]	ix l[e]c[ti]o[n]es	
29	xvi	g	iiii Kls	D[e]posit[i]o Ladislai reg[is] Felic[is] c[um] so[ciis] m[a]r[tyrum]	l[e]c[ti]o[n]es l[e]c[ti]o[n]es	
30		A	iii Kls	Abdon et Sennen mar[tyrum]	ix l[e]c[ti]o[n]es	
31	v	b	p[ri]die	Germiani ep[iscop]i [et] co[n]fessoris	ix l[e]c[ti]o[n]es	

AUGUSTUS HABET DIES XXXI LUNA XXX

1	xiii	c		Ad vi[n]c[u]la Petri Vii frat[rum]	ix l[e]c[ti]o[n]es [commemoratio]	
2	ii	d	iv Nos	Stephani pape [et] marty[ris]	ix l[e]c[ti]o[n]es	
3		e	iii Nos	Inve[n]tio corp[or]is s. Stef[ani] p[ro] thomar[tyris]	ix l[e]c[ti]o[n]es	
4	x	f	p[ri]die No[na]s			
5	xvii	g	Nonis	Marie d[e] nive Dominici [con]fessoris Osvaldi regis et mar[tyris]	du[plex] l[e]ctiones com[m]e[moratio]	
6		A	viii Id.	Tra[n]sfigura[tio] D[omi]ni Sixti pa[pe] c[um] so[ciis] m[artyrum]	du[plex] l[e]c- tiones	
7	vii	b	vii Id.	Affre peccatrici[s] m[artiris] Do[n]ati epi[scopi] [et] m[artyris]	l[e]c[ti]o[n]es l[e]c[ti]o[n]es	
8		c	vi Id.	Ciriaci cum sociis mar[tyrum]	ix l[e]c[ti]o[n]es	
9	xv	d	v Id.	Romani mar[tyris] Vigilia	com[m]emo[ratio]	
10	iiii	e	iiii Id.	Laurentii martyris	duplex	
11		f	iii Id.	Tyburcii martyris	ix l[e]c[ti]o[n]es	
12	xii	g	p[ri]die Id.	Clare virginis	ix l[e]c[ti]o[n]es	
13		A	Idibus	Ypoliti cum sociis martyrum	ix l[e]c[ti]o[n]es	
14	i	b	xix Kls Septe[m] b[ris]	Eusebii [con]fessoris Vigilia	[com]me[moratio]	
15	ix	c	xviii Kls	Assumptio b. Ma[ri]ae v[ir]g[in]is	totu[m] duplex	
16	xvii	d	xvii Kls	Arnolphi epi[scopi] [et] co[n]fesso[ris]	com[m]emora[tio]	

17		e	xvi Kls	Octava sci Laurentii mar[tyris]	ix l[e]c[ti]o[n]es
18	vi	f	xv Kls	Agapiti martyris	com[m]emora[tio]
19	xiii	g	xiii Kls	Magni mar[tyris]	com[m]emora[tio]
20		A	xiii Kls	Steffa[ni] r[e]g[is] [et] [con]f[essoris] Bernhar[di] abb[atis]	du[plex] l[e] c[tiones] [commemoratio]
21	iii	b	xii Kls		
22	xi	c	xi Kls	Oct. Ass[um]p[ti]onis Thimotei [et] Simphoria[n]i mar[tyrum]	du[plex] com[m] emo[ratio]
23		d	x Kls	Thimotei [et] Appolinaris mar[tyris] Vig[ilia]	[commemoratio]
24	xix	e	ix Kls	Bartholo[mei] ap[osto]li Andoe[n]i epi[scopi] [et] [con]f[essoris]	du[plex] [commemoratio]
25		f	viii Kls	Genesii mar[tyris] Lodouici reg[is] [et] con[fessoris]	l[e]c[tiones] [commemoratio]
26	viii	g	vii Kls		
27		A	vi Kls	Oct. s. Stef[ani] reg[is] Ruffi mar[tyris] Vig[ilia]	l[e]c[tiones] [commemoratio]
28	xvi	b	v Kls	Augusti[ni] epi[scopi] [et] doct[oris] Hermet[is] m[a]r[tiris]	du[plex] [commemoratio]
29	v	c	iiii Kls	D[e]collat[i]o s. Ioh[annis] Bap[tiste] Sabine v[ir]g[inis] [et] mat[tyris]	du[plex] [commemoratio]
30		d	iii Kls	Felicit[is] [et] Adaucti m[artyrum]	ix l[e]c[ti]o[n]es
31	xiii	e	p[ri]die Kls		

SEPTEMBER HABET DIEX XXX LUNA XXIX

1	ii	f	Kls	Egidii abb[atis] Prisci mar[tyris]	com[m]emo[ratio] com[m]emo[ratio]
2	x	g	iiii Nos	Elevatio scti Emerici [conf]f[essoris] Anthoni m[a]r[tiris]	com[m]e[m]oratio
3		A	iii Nos ^{ac}		
4	xviii	b	p[ri]die Nos	Oct[ava] sci Augustini episcopi	ix l[e]c[ti]o[n]es
5		c	Nonis		
6	vii	d	viii Id.		
7	xv	e	vii Id.	Ewricii epi[scopi] [et] [con]f[essoris] Vigilia	l[e]c[tiones]
8		f	vi Id.	Nati[vitas b. Ma[rie] V[ir]g[is] Adriani martyris	to[tu]m du[ple]x [commemoratio]
9	iiii	g	v Id.	Gorgonii mar[tyris]	com[m]emo[ratio]

ac Antonini.

10	xii	A	iiii Id.		
11		b	iii Id.	P[ro]thi [et] Iaci[n]cti m[artyrum]	[com]me[m] o[ratio]
12	i	c	p[ri]die Id.	Anniv[er]sariu[m] regis Ludo- uici [con]iug[is] ac lib[er]o[rum] suo[rum]	
13		d	Idibus	Maurulii epi[scopi] [et] [con]f[ess]oris	[com]me[moratio]
14	ix	e	xviii Kls Octob[ris]	Exaltat[i]o s. cru[cis] Cornelii [et] Cipriani m[artyrum]	du[plex] [commemoratio]
15	xvii	f	xvii Kls	Oct. Nat[i]vi[tatis] Ma[rie] Nico[m]jedis m[a]r[tiris]	du[plex] [com- memoratio]
16	vi	g	xvi Kls	Eufemie v[ir]g[inis] [et] m[a]r[tiris] Lucie [et] Gemi[ni]ani m[artyrum]	l[ectiones] [com- memoratio]
17		A	xv Kls	Lamperti epi[scopi] et mar[tyris]	ix l[e]c[tio]nes
18	xiii	b	xiii Kls	Anive[er]sariu[m] b[e]n[e]f[ic]to[rum] et familiar[m] n[ost]ro[rum]	
19		c	xiii Kls		
20	iii	d	xii Kls	Vigilia	
21	xi	e	xi Kls	Matthei ap[osto]li et eva[n]geliste	du[plex]
22		f	x Kls	Maurcii cu[m] so[ciorum] m[artyrum] Emerani epi[scopi] [et] m[a]r[tiris]	l[ectiones] [com- memoratio]
23	xix	g	ix Kls	Tecle v[ir]go et mar[tyris]	ix l[e]c[tio]nes
24	viii	A	viii Kls	Gerhardi epi[scopi] et mar[tyris]	ix l[e]c[tio]nes
25		b	vii Kls		
26	xvi	c	vi Kls	Cipriani et Iustini mar[tyrum]	ix l[e]c[tio]nes
27		d	v Kls	Cosme et Damiani mar[tyrum] ^{ad}	ix l[e]c[tio]nes
28	v	e	iiii Kls	Wenczeslai mar[tyris]	ix l[e]c[tio]nes
29	xiii	f	iii Kls	Michaelis Archangeli	du[plex]
30	ii	g	p[ri]die Kls	Hieronymi p[re]s[b]yter[ri] [et] doctoris	du[plex]

OCTOBER HABET DIEM XXXI LUNA XXX

1		A		Remigi et Germani ep[iscop]o[rum] et confe[ss]orum]	ix l[e]c[tio]nes
2	x	b	vi	Leadegari epi[scopi] et martyr	ix l[e]c[tio]nes
3		c	v		
4	xviii	d	iiii	Francisci confessoris	ix l[e]c[tio]nes
5	vii	e	iii Nos.		
6		f	pridie Nos		
7	xi	g	Nonis	Sergii et Bachi mar[tyrum]	ix l[e]c[tio]nes

ad Rubro: S. Sta[nisla]i du[plex].

8	iiii	A	viii Id.	Sancte Pelagie peccatricis	[commemoratio]
9		b	vii Id.	Dyonisi cum socis mar[tyrum]	ix l[e]c[tio]o[nes]
10	xi	c	vi Id.	Gereonis cu[m] sociis mar[tyrum]	[commemoratio]
11	i	d	v Id.	Translatio beati Augustini episcopi	du[plex]
12	i	e	iiii Id.		
13	ix	f	iii Id.	Colomani martyr	ix l[e]c[tio]o[nes]
14	xvii	g	p[ri]die Id.	Calixti pa[p]e [et] mar[tyris] Cerberi epi[scopi] [et] confessoris	l[e]c[tiones] l[e]c[tiones]
15		A	Idibus ^{ae}		
16	vi	b	xvii Kls.	Galii abb[atis] Sigismu[n]di regi et mar[tyris]	l[e]c[tiones] co[m]memoratio]
17	xiii	c	xvi Kls.		
18		d	xv Kls.	Luce evangeliste	du[plex]
19	iii	e	xiiii Kls.	Anniversariu[m] p[ar]entu[m] et fratrum nostrorum	
20		f	xiii Kls. ^{af}		
21	xi	g	xii Kls.	Undecim milium virginum	ix l[e]c[tiones]
22	xix	A	xi Kls. ^{ag}		
23		b	x Kls.	Severini epi[scopi] et confessoris	com[emmoratio]
24	viii	c	ix Kls.	Maglorii epi[scopi] et confessoris	iii l[e]c[tio]o[nes]
25		d	viii Kls.	Crispini [et] Crispiniani mar[tyrum]	com[emmoratio]
26	xvii	e	vii Kls.	Demetrii martyr	ix l[e]c[tio]o[nes]
27	v	f	vi Kls.	Vedasti [et] Amandi epi[scop]orum Vigilia	com[emmoratio]
28		g	v Kls.	Simonis et Iude apostolorum	du[plex]
29	xiii	A	iiii Kls.		
30	ii	b	iii Kls.		
31	x	c	p[ri]d[ie] Kls.	Quintini mar[tyrum] Vigilia	[commemoratio]

NOVEMBER

1		d		Festu[m] o[mn]i[u]m s[an]c[t]o[rum] Cesarii m[a]rtyris	to[tum] du[plex] com[emmoratio]
2	xviii	e	iv Nos.	Com[m]e[m]ora[tio] o[mn]i[u]m fidelium defu[n]ctorum	ix l[e]c[tionum]
3		f	iii Nos.	Eustachii cu[m] socio[rum] q[ue] m[ar]- tyrum]	[commemoratio]

- ae Heduigis vidue.
af T[ra]nslatio s. Adalb[er]ti.
ag Hilarionis.

4	vii	g	p[ri]die Nonas		
5	xv	A	Nonis	Emerici duc[is] et [con]fe[ssoris]	se[m]idu[ple]x
6		b	viii Id.	Tra[n]sla[tio] Adalb[er]ti epi[scopi] et m[a] r[tyris] Leonardi conf[essoris]	l[ectiones] l[e]c[tiones]
7	iiii	c	vii Id.	Vilibrordi epi[scopi] et conf[essoris] Hugb[er]ti episcopi et [con]fe[ssoris]	[commemoratio] [commemoratio]
8	xii	d	vi Id.	Oct. O[mn]i[um] S[an]c[t]o[rum] iiii Coronato[rum] m[artyrum]	du[plex] [com- memoratio]
9		e	v Id.	Theodori mar[tyris]	ix l[e]c[t]io[n]es
10	i	f	iiii Id.	Martini pape et mar[tyris]	iii l[e]c[t]io[n]es
11		g	iii Id.	Marti episcopi et confessoris Mene m[arty]r[is]	du[plex] [com- me[m]o[ratio]
12	ix	A	p[ri]die Idibus ^{ah}		
13	xvii	b	Idibus	Briccii epi[scopi] et confessoris	ix l[e]c[t]io[n]es
14	vi	c	xviii Kls Dece[m] b[ris]	Tra[n]slat[i]o Pauli p[ri]mi he[re]mite	duplex
15		d	xvii Kls ^{ai}		
16	xiiii	e	xvi Kls	Othmari abbatiss	ix l[e]c[t]io[n]es
17		f	xv Kls	Amani epi[scopi] et confessoris	ix l[e]c[t]io[n]es
18	iii	g	xiv Kls	Oct. s. Martini epi[scopi] et co[n]fesso[r]is	ix l[e]c[t]io[n]es
19	xi	A	xiii Kls	Elizabeth regine^{aj}	duplex
20		b	xii Kls		
21	xix	c	xi Kls	Columbani abbatiss et co[n]fesso[r]is ^{ak}	[commemoratio]
22	viii	d	x Kls	Cecilie virginis et martiris	ix l[e]c[t]io[n]es
23		e	ix Kls	Clem[en]t[is] pa[p]e et m[a]r[tyris] Felicitat[is] martiris	se[m]idu[plex] [commemoratio]
24	xvi	f	viii	Grisogoni martyris	trium l[e]c[t]io[n]es
25		g	vii	Katherine v[ir]ginis et mar[tyris]	du[plex]
26	v	A	vi		
27	xiii	b	v ^{al}		
28	ii	c	iiii		
29		d	iii	Saturnini et Crisanti m[artyrum] Vigilia	[commemoratio]
30	x	e	p[ri]d[ie] Kls	Andree Apostolii	

ah Quinque fratrum Polonorum.

ai Johannis Eleemosynarii ep[iscopi] et [confessoris].

aj Vidue.

ak Rubro: P[re]se[n]tat[i]o Ma[r]ie b. vi[r]gi[n]is.

al Jacobi intercorsi.

DECEMBER HABET DIES XXXI LUNA XXX

1		f			
2	xviii	g	iiii Nonas		
3		A	iii Nonas		
4		b	p[ri]die Nonas	Barbare v[ir]ginis et marty[ris]	ix l[e]c[tio]nes
5	xv	c	Nonis		
6	iii	d	viii Idus	Nicolai epi[sco]pi et confesso[ris]	duplex
7		e	vii Id.	Octava sci. Andree ap[osto]li	ix l[e]c[tio]nes
8	xii	f	vi Id.	Conceptio b. Marie v[ir]ginis	duplex
9		g	v Id.		
10	i	A	iiii Id.		
11	ix	b	iii Id.	Damasi pape	com[m]emoratio
12	xvii	c	p[ri]die Id		
13		d	Idibus	Lucie v[ir]ginis et mar[tyris] Otilie v[ir]ginis	ix l[e]c[tio]nes com[m]emoratio
14	vi	e	xix Kalendas Ianuarii		
15	xiiii	f	xviii Kls	O sapientia	
16	iii	g	xvii Kls		
17		A	xvi Kls	Lazari epi[sco]pi et confe[ssoris] Marthe v[ir]ginis	com[m]emoratio com[m]emoratio
18		b	xv Kls	Gratiani epi[sco]pi et co[n]fe[ssoris]	l[e]c[tio]nes
19	xi	c	xiiii Kls		
20	xix	d	xiii Kls	Vigilia	
21		e	xii Kls	Thome apostoli	duplex
22	vii	f	xi Kls		
23		g	x Kls		
24	xvi	A	ix Kls	Vigilia	
25	v	b	viii Kls	Nati[v]itas D[omi]ni n[ost]ri Iesu X[risti]	totu[m] duplex
26		c	vii Kls	Stephani p[ro]thomarty[ris]	duplex
27	xiii	d	vi Kls	Joh[ann]is ap[osto]li et eua[n]geliste	duplex
28	ii	e	v Kls	S[anc]to[r]um Innocentii[m] marty- [rum]	duplex
29	x	f	iiii Kls	Thome epi[sco]pi et martyris	ix l[e]c[tio]nes
30		g	iii Kls		
31	xviii	A	p[ri]die Kls	Silvestri pape confesso[ris]	ix l[e]c[tio]nes

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TREASURE IN THE JAGIELLONIAN LIBRARY. A FLAGSHIP PROJECT

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ABSTRACT

The article deals with the collection from the former Prussian State Library in Berlin (*Preussische Staatsbibliothek*), now kept at the Jagiellonian Library in Krakow, and one collection in particular, namely the Collection of Autographs (*Sammlung Autographa*) comprising tens of thousands of original manuscripts from all over Europe, made from the 15th to the 20th centuries. This collection was collected by the Royal Library in Berlin and, after it had changed name, by the Prussian State Library in Berlin over the decades. The essay focuses on the technological and methodological problems associated with classifying various types of manuscripts and connecting the database with existing library systems. The authors also demonstrate the research difficulties that come from this collection and how they might be answered using, among other things, artificial intelligence methods.

KEYWORDS: Jagiellonian Library; Royal Library in Berlin; Prussian State Library in Berlin; catalogue of manuscripts; Collection of Autographs

The collections of the former Prussian State Library (*Preussische Staatsbibliothek*) in Berlin, now kept in the Jagiellonian Library in Krakow, represent worldwide unique library resources whose cultural, scientific, and social worth go far beyond the boundaries of one institution and one state. They reached Krakow in 1946; however, not as war spoils. Owing to the bombing of Berlin in 1941, the management of the Prussian State Library decided to take the most precious collections out of the city, transporting them to appropriately prepared facilities, such as castles, monasteries, and caves, to protect them against destruction. And so, in 1941, transportation of precious manuscripts, incunables, and antique books started (in total, 41 lorry convoys with books left Berlin). A substantial part of those resources reached the Fürstenstein Castle (today's Książ) and, subsequently, the Cistercian Monastery in Grüssau (today's Krzeszów), both in Lower Silesia, which were German cities at the time, and which became Polish following WW II. As a result of the Potsdam Agreement, the territories west and north of the 1939 Polish border became an integral part of the Polish state. In 1946, Dr Sierotwiński, delegate of the Ministry of Education for preserving abandoned collections, found that resource in Krzeszów and subsequently brought it to Krakow. The whole so-called 'Berlinka' (a common name applied in the Polish circles to define the resources from the Prussian State Library kept in the Jagiellonian Library; it has also been adopted by German scholars who sometimes also use the name 'Berlinka') was first deposited in the monasteries of missionary and Dominican friars, to later reach the Jagiellonian Library where the delegate had his seat.¹ As mentioned above, the collections were found, hence Art. 51 of the Geneva Convention does not apply to them, and they were unquestionably protected against destruction. Most importantly, had the Germans not trans-

1 As for the history of the movements of this resource, see Zdzisław Pietrzyk, *Zbiory z byłej Pruskiej Biblioteki Państwowej w Bibliotece Jagiellońskiej*, *Alma Mater*, 100 (2008), pp. 15–19; Idem, 'Libri picturati' i nie tylko – światowe dziedzictwo kultury w zbiorach Biblioteki Jagiellońskiej, in: *Historia jest polifoniczna. Sztambuch Profesora Krzysztofa Zamorskiego*, Kraków, 2023, pp. 117–127.

ferred the 'Berlinka' from Książ do Krzeszów, nothing would have been left of it since the Książ Castle was burnt to the ground in the spring of 1945 by the Red Army. Similarly, it is hard to say what would have happened to the resource had someone else found it and not Sierotwiński, or if the precious items had been found later (already after the fall of the Berlin Wall, some 'genuine' German chests containing a part of the Prussian State Library in Berlin were in Ukraine: they had not been opened by anybody over the whole period; after they finally were, it turned out that they contained nothing but mold, almost all their content was destroyed).² Meanwhile, the Berlin collection in Krakow has been systematically conserved, digitized, and made available to the international community of academics. It is also intensely studied by Polish scientists and scholars, and this is best exemplified by the research project described in the present paper.

A substantial part of the Berlin Collection preserved in Krakow is made up of manuscripts. Among the bound manuscripts, there are: 91 albums, 15 American manuscripts, 235 French and Occitan manuscripts, and 106 Spanish ones. 3 Portuguese, 133 Italian, 140 Greek, 67 Latin (in two sets: Latin manuscripts and Latin theological manuscripts), 78 German manuscripts, 44 Arabic, 1 Armenian, 24 Chinese, 11 Syrian, about 80 Romansh, over 90 Slavic manuscripts, more than 190 volumes of genealogical collections, and 35 other manuscripts (e.g., the collection of the Royal School of Art in Berlin). The oldest manuscripts come from the 8th-9th century, which is unique in Polish territories, while the most recent ones are from the 20th century. Apart from that, the 'Berlinka' contains loose manuscript materials in boxes: six legacies (archival materials related to the life and output of a person) of the following: Jacob Michael Reinhold Lenz, Wilhelm von Humboldt, Alexander von Humboldt,³ Georg Schweinfurth, Gustaw Freytag, Hoffmann

2 Oral information from Prof. Wojciech Kowalski.

3 Recently a catalogue of this legacy by Dominik Erdmann, in cooperation with Monika Jaglarz, has been published: *Der Nachlass Alexander von Humboldt in der Bibliotheka Jagiellońska*, Kraków, 2019.

von Fallersleben, and two unique collections: the Karl Varnhagen Collection – *Sammlung Varnhagen* (autographs from the 18th and 19th centuries, of great worth for studies of European Romanticism, 300 boxes)⁴ and the Collection of Autographs – *Sammlung Autographa* containing 196 boxes with manuscripts from all over Europe from the 15th–20th centuries amassed by the Royal Library in Berlin and, after it had changed name, by the Prussian State Library in Berlin over the decades. It is precisely the presentation of the research into the latter collection, which is of an outstanding international character, and which is the meeting point for specialists in many disciplines dealing with manuscripts created in various languages, that is the topic of the present paper.

The goal of the Flagship Project currently implemented by the Jagiellonian University is a thorough investigation of the whole Autograph Collection: identification of all the historic pieces of writing that it contains, taking into account the current state of research, and uploading it all on the Project's website's tailored database, which would allow its users/readers to conduct their own searches in multiple ways: according to the author's name, manuscript language, place and date of its creation, etc., also permitting an advanced search aided by semantic web technologies. The website will also contain manuscript scans with their respective descriptions.

The formatting of the database with manuscript descriptions is quite a challenge, which results from, among others, the fact that there exist many varied types and subtypes of manuscripts whose description standards should be different, thus, the database structure is and should be differentiated. As much as this sounds like a cliché, bound manuscripts differ from correspondence collections or loose notes from various legacies, and finally they are all unlike documents of the type of privileges, e.g., letters of safe conduct, etc. Even within one category, such as bound manuscripts, differ-

4 Works on this collection are currently conducted by Prof. Jadwiga Kita-Huber and her team from the Institute of Germanic Studies of the Jagiellonian University.

ent standards are applicable to medieval units and to later ones. Since the aim of the Project is to create a database whose final goal would be to register detailed scientific descriptions of varied manuscript units, it is important for it to be designed as open, namely so that it would allow the registration of any manuscript subtype. Another requirement that must be met is the integration of the designed database with the cataloguing systems and those sharing collections currently used in the Jagiellonian Library, which is one of the major challenges in the project's initial phase. Currently, in order to share a manuscript digitally, its registration in the ALMA system is essential (the *Ex libris* library system operating in the cloud), and it is necessary to include the scanned object in the collection of the Jagiellonian Digital Library – the JBC (the DLI-BRA system developed in Poland, compatible with Europeana). An ordinary units is a result, that does not satisfy manuscriptologists at all since the detailed quality of information provided in the cataloguing system is too low for scholars' requirements, thus leading to a situation when the search does not always return the expected results. The situation is similar with the JBC's search function; neither is JBC's format for presenting scans of manuscripts satisfactory, calling for enhancement. In the case of printed materials, PDF files are fully searchable since they have been identified by the OCR system. As for manuscripts, the OCR system, understandably, is not a standard. One of the project's goals is to implement the identification of manuscript writing thanks to the application of AI, similar to what has already been done with respect to printed materials (even the very old ones).

On the one hand there is the challenge connected with designing a special database for manuscripts. Actually, in the first phase, it will be a database for manuscripts from the Autograph Collection [Sammlung Autographa]. On the other, the project's goal will be to integrate this database with the tools currently used by the Jagiellonian Library for the digital cataloguing and sharing of manuscripts.

The technological issues related to building and integrating

the database are extremely important, however, what proves even more relevant is the definite scheme of the description to be used in the database and the printed catalogues. This description scheme is based on the to-date study of collections of a similar character, namely the above-mentioned legacies of Alexander von Humboldt and Karl Varnhagen⁵, with certain additions and improvements necessarily applied owing to the specificity of the Sammlung Autographa. However, works have been started with very basic issues, namely the technological and research activities connected with a detailed identification of autographs' authors, their ordering, as well as foiling. Furthermore, during the studies some objects undergo conservation.

The Autograph Collection contains materials that constitute the utmost unique source records of fundamental character for both humanities and other science disciplines. It is composed of genuine manuscripts from several illustrious individuals who played a key role in culture, literature, and European science. We find in it tens of thousands of manuscript historic pieces, of which only a part has been thoroughly investigated, and many have not even been identified. They are mainly letters, but also genuine literary and scientific works, all of them written by the authors' own hands.

Helga Döhn's⁶ contemporary catalogue is, to a great degree, an incomplete recreation of the manuscripts inventory run in Berlin from the early 19th century until 1940. The descriptions are very general, and, more importantly, H. Döhn did not conduct a systematic investigation on site, in Krakow and was unable to verify such an enormous collection through personal observation. For example, in the case of a given author, she does not specify the actual number of manuscripts, writing only 'about' (when there are

5 Dominik Erdmann, Monika Jaglarz, *Der Nachlass Alexander von Humboldt in der Biblioteka Jagiellońska*, op. cit.; and Monika Jaglarz, Jadwiga Kita-Huber, 'Re-cataloguing the Varnhagen Collection : a proposal of a new description scheme and its application to the selected material', *Polish Libraries*, vol. 10 (2022), pp. 135–161.

6 *Die Sammlung Autographa ...*, Wiesbaden, 2005.

many of them); neither does she mention all the correspondents, saying merely: ‘among others’.

In the discussed project, as is standard in the manuscript catalogues, the manuscripts are catalogue described thoroughly. So, in the case of literary or scientific texts, their position in the manuscript tradition is identified, which occasionally exceeds contemporary cataloguing standards. In the case of correspondence, each letter will be mentioned, marking the addressee, the time and place of its creation; this will allow researchers to recreate international scientific networks, as well as political and literary affiliations.

The works in the collection fill a huge research gap and respond to one of the basic demands from international academic circles. Many scientists and academics have long signaled the need to provide the collection’s precise catalogue.

Some outstanding names can be found here: individuals who created the structures of civilization, science, culture, famous writers and poets, scientists representing various disciplines: astronomers, mathematicians, physicists, chemists, botanists, geologists, volcanologists, mineralogists, paleontologists, archaeologists, historians, philologists, linguists, ethnographers, geographers, cartographers, engineers, doctors, philosophers, as well as explorers, inventors, politicians, diplomats, state leaders, journalists, etc., their letters and/or scientific treatises. It is a true network of interconnections, which will be demonstrated thanks to the project.

Importantly, the Collection of Autographs in the Royal Library in Berlin, and later in the Prussian State Library, was created following completely different rules than those adopted in most libraries worldwide in which the manuscript legacy of a given individual creates a whole owing to its provenance, and as such is preserved and described. Instead, over the years in Berlin, an artificial collection made up of autographs taken out from the acquired legacies and from separate autograph collections (e.g., the Radowitz Collection) was created, additionally with single letters purchased at auctions or from antique dealers. Manuscripts that

came from such sources were provided with information about their provenance (namely an accession number), to be later placed in a separate dust jacket featuring the name of the author of all the materials amassed there. Thus, in this collection, under the name 'Alexander von Humboldt', there are materials written in his hand, but taken out of other legacies which, owing to this, had been dispersed. It is an order resulting from an entire reversal of the natural order according to which letters should be kept with their addressees. For instance, the letters of Alexander von Humboldt, given here as an example, are as much as possible kept in one place (one box) and readily accessible, but often do not provide us with information regarding who they were addressed to: this information can be found only following the analysis of accession numbers. Meanwhile, the letters to Humboldt are dispersed in the Autograph Collection; they can be found in different places, under the names of their authors. In this sense, the discussed Collection is peculiar, as it is not easy to study, also owing to a wide chronological range; additionally, the manuscripts are placed in alphabetical order, following the proper names of the authors or states, and so the jacket titled 'France' contains documents from Louis XII to Louis XVI.

The Autograph Collection is an artificial and accidental creation, which by no means undermines the value of the materials it contains. Natural creations, in turn, are legacies and collections that formed its part, and which were dispersed throughout the whole Collection: atomized, they were thus, in a way, destroyed. The most excellent example in this respect is Joseph Maria von Radowitz's legacy (1795–1853); Radowitz left behind one of the most relevant and extensive 19th century private collections of autographs. Among almost 13,000 manuscripts he amassed, there are texts by about 5,500 individuals representing all domains of science and culture over a period of four centuries.⁷ His collection,

7 See *Catalogue de la collection précieuse de Lettres Autographes laissée par feu Mr. J. de Radowitz*, Berlin, 1864.

originally forming a certain ‘community’ like any collection, was created consciously, its author carefully selecting its respective documents, which were dispersed within the Autograph Collection, and disintegrated into small particles, practically ceasing to exist. Meanwhile, thanks to the database created as part of the discussed project and the semantic web technologies, the user will be able to reassemble this collection anew (using descriptions of manuscripts and the scans that accompany them), reassembling the social, as Bruno Latour would say.⁸

The project’s main goal is thus the research into the Autograph Collection and its thorough study: identification of all the texts, authors, dating of the manuscripts, and identification of their place of origin. As a result, detailed catalogues and studies focused on selected aspects will be published. Furthermore, the goal is to elaborate and implement AI tools supporting the study of manuscripts as well as to create a research platform integrating to-date and new research into the collection of the Prussian State Library conducted in Krakow both by the Jagiellonian University and other institutions. The goal is also to fully digitize the Collection. The Project’s results will serve as a departure point for further detailed research into those parts of the Autograph Collection that feature the greatest cultural and civilizational relevance. Furthermore, the research methods elaborated in the project will be adaptable to the research in all the other manuscript collections.

The Project is coordinated by three units of the Jagiellonian University: the Faculty of Philology, Jagiellonian Library, and the Department of Physics, Astronomy, and Applied Computer Science. It is made up of three platforms: 1) R2R Platform directly connected with the study of autographs and integration of the research into the Collection coordinated by Prof. Jadwiga Miszańska; 2) R2R and R2B Platforms implementing the AI tools meeting the needs of the research, coordinated by Prof. Grzegorz J. Nalepa; 3) the infra-

8 *Reassembling the Social: An Introduction to Actor-Network-Theory*. Oxford – New York 2005.

structural Platform operating on the grounds of the Jagiellonian Library dealing with conservation and digitizing (coordinated by Prof. Remigiusz Sapa). The leader of the whole Project is Prof. Jadwiga Kita-Huber. The Project's initiators were the authors of the present paper: Profs. Sosnowski and Tylus. Let us add here that on 20 June 2023 the Jagiellonian Centre for Digital Humanities as a unit supporting, among others, the discussed Project was officially launched. There are also international scholars involved in the Project. The *European Treasure in the Jagiellonian Library* Project is one of the Jagiellonian University flagship projects, making Krakow a true international investigation platform focusing on research into the European and world manuscript heritage.

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NEWSPAPERS OF HALYCHYNA FROM THE PERIOD OF INDEPENDENT UKRAINE IN THE FUND OF THE VASYL STEFANYK NATIONAL SCIENTIFIC LIBRARY OF UKRAINE IN LVIV

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ABSTRACT

The purpose of the article is to investigate the newspapers from Halychyna from the period of independent Ukraine on the basis of a comprehensive analysis of the fund of the Vasyl Stefanyk National Scientific Library of Ukraine in Lviv. Research is based on the general scientific principles of objectivity, systematicity, causality and historicism. Among the concrete scientific methods applied are historical and descriptive, analytical, problem-thematic, structural and typological. Quantitative and qualitative analysis was also used when processing the obtained results of the research. The scientific novelty of the research results lies in the fact that, for the first time in the history of Ukrainian press studies, editions stored in the fund

of the Vasyl Stefanyk National Scientific Library of Ukraine in Lviv of newspapers from Halychyna from 1991–2021 have been analyzed. Conclusions. The scientific disclosure and processing of the library's fund will provide an opportunity for modern researchers to create an objective and reliable picture of the past, to deepen the scientific study of the problems of the national historical heritage, and the repertoire of domestic periodicals.

KEYWORDS: newspapers in Halychyna, Vasyl Stefanyk National Scientific Library of Ukraine in Lviv, domestic press, newspaper publications

INTRODUCTION

The fund of the Vasyl Stefanyk National Scientific Library of Ukraine in Lviv (hereinafter the V. Stefanyk NSLU in Lviv) stores unique, rare and valuable publications, among which a significant place is occupied by collections of newspapers. Researching newspaper editions makes it possible to study not only the features and specifics of the problem-thematic content of the periodical, but also, based on the analysis of the given facts and documentary sources, gives the reader the opportunity to create an objective picture of the image of one or another historical period. In addition, the study of the discussed topic makes it possible to supplement the database of the domestic press with a significant number of publications that were printed in Halychyna during 1991–2021.

ANALYSIS OF LATEST RESEARCH AND PUBLICATIONS

The research was carried out by researchers from the Department of Periodicals, named after Maryan and Ivanna Kotsiv, within the scientific topics of the department. Its result was the publication at the end of 2021 of the bibliographic index 'Hazety Halychyny (1991–2021) u fondakh Lvivskoi natsionalnoi naukovoï biblioteky Ukrainy imeni V. Stefanyka' (Fig. 1).¹

1 Yu. Romanyshyn, N. Popadiuk, *Hazety Halychyny (1991–2021) u fondakh Lvivskoi natsionalnoi naukovoï biblioteky Ukrainy imeni V. Stefanyka: bibliohrafichnyi pokazhchyk*, Lviv 2021.



Fig. 1. Layout of the bibliographic index.

The index displays information regarding the names of newspaper publications stored in the Department of Periodicals named after Maryan and Ivanna Kotsiv. Therein are indicated their place of publication, the years available in the fund and the topographic code for ordering. The notes provide additional information about changing the name of the newspaper, subordination, etc. The reference and auxiliary apparatus includes two pointers: alphabetical, in which the names of the newspapers are indicated alphabetically, and geographic, where all the names of newspapers published in a certain settlement (city, town, village) are listed. The name of the settlement is reproduced according to the back then usage and spelling in newspapers.

PURPOSE OF THE ARTICLE

The purpose of the article is to research the newspapers of Halychyna during the period of Ukraine's independence on the basis of a comprehensive analysis of the fund of Vasyl Stefanyk NSLU in Lviv.

MATERIALS

Newspapers are kept in the Department of Periodicals, named after Maryan and Ivanna Kotsiv of V. Stefanyk NSLU in Lviv. In total, the department's collection includes more than 1.8 million items of periodicals from the 19-20 centuries (magazines, newspapers, staff microfiche, microfilm – the largest collection in the Western regions of Ukraine).²

A special place in the collection is occupied by newspapers from Halychyna from 1991-2021. Taking into account the fact that, today, among scientists, there is no unambiguous definition of the historical and geographical borders of Halychyna, we did not try to generalize the existing interpretations in any way. Therefore, after rejecting the historical context of this issue, we focused our attention on the current definitions of the state border of Ukraine. Thus, it turned out that today, according to the modern administrative-territorial division of Ukraine, the territory of Halychyna covers three oblasts of the Western region – Lviv, Ivano-Frankivsk and Ternopil. The total number of newspapers is 326, of which 289 are from Lviv and the Lviv oblast, 18 are from Ivano-Frankivsk and the Ivano-Frankivsk oblast, and 19 are from Ternopil and the Ternopil oblast (Fig. 2).

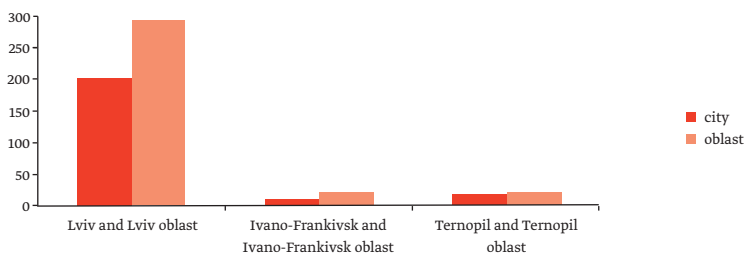


Fig. 2. The total number of newspapers of Halychyna (1991-2021) stored in the Department of Periodicals named after Maryan and Ivanna Kotsiv.

- 2 *Department of Periodicals named after Maryan and Ivanna Kotsiv* – <https://www.lsl.lviv.ua> [Accessed 15.11.2022].

As we can see from the diagram, the largest number of newspapers were published in Lviv and the Lviv oblast. The conditions of the historical development of the domestic press developed in such a way that Lviv was always ahead of other cities in Halychyna by several decades. It was the main center of publication of various newspapers during 1991-2021. 199 newspaper titles are published here, while in Ivano-Frankivsk - 7, and in Ternopil - 15. During the period of independent Ukraine, the press noticeably improved, grew and spread territorially throughout the Lviv oblast. In addition, Lviv is considered to be the capital of Halychyna and the center of Western Ukraine, which also leaves its mark on the number of printed periodical and non-periodical editions.

Every year, V. Stefanyk NSLU in Lviv replenished its own funds through subscriptions to periodicals, obtaining a compulsory free copy of the publication, gifts from patrons (comprising individuals, organizations, institutions international charitable foundations). In 2022, 9 newspaper titles that were not included in the bibliography published in 2021 were transferred from private collections to the library's collection.³ Among them: *Visnyk OUN v Ukraini* (Вісник ОУН в Україні) (September 1996; April 1997 (No 1)), *Hazeta samvydav* (Газета самвидав) (September 14-21, 2001), *Dali bude...* (Далі буде...) (October 1991), *Etaus* (Емаус) (April 4, 2010 (No 8); April 11, 2010 (No 9); September 12, 2010 (N.24); September 19, 2010 (No 25); March 20, 2011 (No 31); November 6, 2011 (No 45); January 7, 2012 (No 1)), *Zhovkivskyi visnyk* (Жовківський вісник) (April 1993 (No 5); April 1993 (No 6)), *Klych Ukrainy* (Клич України) (June 28, 1991 (No 1), October 1991 (N. 3)), *Narodnia trybuna* (Народня трибуна) (May 2013 (No 1); July 2013 (No 2); August 2013 (No 3); December 2013 (No 7); September 10, 2014 (No 9), November 2018 (No 24)), *Natsionalnyi vybir* (Національний вибір) (May 24, 2009 (No 8)), *Novi liudy* (Нові люди) (September 3, 2007 (No 10)). According to this, the

3 Yu. Romanyshyn, N. Popadiuk, *Hazety Halychyny (1991-2021) u fondakh Lvivskoi natsionalnoi naukovoï biblioteky Ukrainy imeni V. Stefanyka: bibliografichnyi pokazhchuk*, Lviv 2021. 64 s.

total number of newspapers in Halychyna during the period of independent Ukraine increased to 335 titles.

By ‘newspapers’, we refer to printed editions (including heralds, bulletins, digests, and almanacs) which have characteristic features inherent in this type of periodical. In particular, we are talking about the appropriate format, volume, periodicity, design or architectonics of the editions.

One of the most important features of the newspaper, which distinguishes it from other editions, is that this periodical is printed on collapsible sheets, not fastened together without a cover. The format is A2 to A4. The text is placed in columns. Text forms, as a rule, are not large in volume.

In order to ensure the compliance of domestic publications with international and national standards from other countries, a terminological standard was developed and adopted in Ukraine DSTU ‘3017:2015. Vydannia. Osnovni vydy. Terminy ta vyznachennia poniat’⁴. These contain the terms and definitions of the main types of editions necessary for the organization and development of the publishing business.

After the proclamation of Ukraine’s independence in 1991, there was a need for it to form its own information space, which previously functioned in accordance with information and ideological policy of the single center – Moscow. There was a need for significant changes not only in the structure and topics of newspapers, but also in their ideological orientation. Particularly, newspapers that were published as organs of the regional committees of the Communist Party of Ukraine and the regional (district) Council Of People’s Deputies underwent the greatest reorganization. Such newspapers as *Volia narodu* (Воля народу) (1991–2021), *Vysokii zamok* (Высокий замок) (1991–1992), *Halychyna* (Галичина) (1991–2019), *Homîn voli* (Гомін волі) (1991–2019), *Lvovskaia pravda* (Львовская правда) (1991), *Prykarpatska pravda* (Прикарпатська правда) (1991–2014),

4 DSTU 3017:2015 Vydannia. Osnovni vydy. Terminy ta vyznachennia poniat [chynnyi vid 2016-07-01]. Vydannia ofitsiine. Kyiv 2016.

Sambirski visti (Самбірські вісті) (1991-2002) were published as separate periodicals by the relevant local authorities (regional, city, district councils of people's deputies). The newspaper *Avtobusobudivnyk* (Автобусобудівник) (1991-1995) was defined as a newspaper of the editorial staff.

However, a number of newspapers continued to cover the activities of the Communist Party, to promote ideas of the socialist system and Soviet ideology. Among them: *Holos Stryishchyny* (Голос Стрийщини) (1991), *Yednist* (Єдність) (1991), *Slovo pravdy* (Слово правди) (1991).

Despite the fact that, after the declaration of Ukraine's independence, Ukrainian had the status of an official language, Russian-language newspapers were published in Halychyna at various times. These were mainly Lviv editions, such as: *Anomalii i sensatsii* (Аномалії у сенсації) (1992-1997), *Vecherniy Lvov* (Вечерний Львов) (1992), *Vysokii zatok* (Высокий замок) (1991-1992), *Halitskii viesti* (Галицькі весті) (1997-1998), *Dien za dniem* (День за днем) (1998-2003), *Lvovskaia pravda* (Львовская правда) (1991), *Politrabotnik* (Политработник) (1991), *Riekłata dlia vsiekh* (Реклама для всех) (1992-1996), *Russkii viestnik* (Русский вестник) (1998-2016), *Sakvoiazh* (Саквояз) (1992-1993), *Slava Rodiny* (Слава Родины) (2001), *Soviest* (Совесть) (1991-1996), *Khesed-Arie* (Хэсед-Арье) (2000-2018).

A separate group of publications in Halychyna comprised newspapers of political parties and movements, which were published by central cells. As a result, the political force had its own publication and influenced the worldview of citizens and the formation of their political beliefs. Among the organizers of this type of press: **People's Movement of Ukraine** (*Viche* (Віче) (1991-1995), *Holos Karpat* (Голос Карпат) (1991), *Lvivske viche* (Львівське віче) (1993, 1998), *Poklyk* (Поклик) (1992), *Slovo Rukhu* (Слово Руху) (1998-2010, 2013-2014), *Sokalshchyna* (Сокальщина) (1996-1999, 2002-2008)), **Socialist Party of Ukraine** (*Halytska pravda* (Галицька правда) (2003-2006, 2012)), **Congress of Ukrainian Nationalists** (*Zahrava* (Заграва) (1995-2009, 2018-2021), *Natsionalistychnyi kurier* (Націоналістичний кур'єр) (2002-2004), *Natsiia i derzhava* (Нація і держава) (1995-1996,

1998–2000), *Chervona kalyna* (Червона калина) (2007)), **Ukrainian Peasant Democratic Party** (*Zemlia i Volia* (Земля і Воля) (1991–1995)), **all-Ukrainian association Batkivshchyna** (*Nasha Batkivshchyna* (Наша Батьківщина) (2005–2020), *Batkivshchyna Lvivshchyny* (2016)), **Ukrainian Party of Halychyna** (*Nasha Halychyna* (Наша Галичина) (2015–2018)), **Ukrainian Republican Party** (*Nezalezhnist* (Незалежність) (1992), *Sobornist* (Соборність) (1991–1992, 1998)), **Social Democratic Party of Ukraine (United)** (*Obiednana syła* (Обєднана сила) (1999–2006)), **Public organization Samopomich** (*Samopomich* (Самопоміч) (2011–2012)), **All-Ukrainian Association Freedom** (*Svoboda* (Свобода) (2007, 2009–2021)). The political orientation was emphasized by the editors of such publications as: *Berezhanske viche* (Бережанське віче) (2019), *Brody vechirni* (Броди вечірні) (2014–2017), *Vilne zhyttia* (Вільне життя) (1992–2021), *Halyskyi svit* (Галицький світ) (2000–2002), *Holos Sambirshchyny* (Голос Самбірщини) (1996–2021), *Za nezalezhnist* (За незалежність) (1993–1995), *Kamienari* (Кам'яні) (2010–2012), *Krok* (Крок) (2005–2008), *Nasha ukrainska sprava* (Наша українська справа) (2013–2021), *Novyny Prybuzhzhia* (Новини Прибузжя) (1991–2012, 2016, 2018–2021), *Trudar* (Трудар) (2006–2013), *Shliakh peremohy* (Шлях перемоги) (1991–2014, 2016–2019, 2021).

An important fact is that most of the socio-political publications of Halychyna which were published in the 1990s, tried to rethink the historical past of our country. The most discussed topic was the rehabilitation of the Ukrainian Insurgent Army and soldiers, granting them the status of veterans – fighters against fascism. Materials devoted to the life and activity of R. Shukhevych, Ya. Stetsko, S. Bandera, Ye. Konovalets, M. Mikhnovskiy as patriots and national heroes of Ukraine were actively published.⁵ The problems of national revival, constitutional building of a democratic state, development of legal, economic and spiritual foundations of independent Ukraine were raised.

A separate group made up of printed publications of local self-government bodies was used by local authorities to communicate with

5 A. Moskalenko, *Suchasna ukrainska presa: navchalnyi posibnyk*, Kyiv 1999.

the population to inform people about the adopted regulations. Among them: *Vynnykivskiy visnyk* (Винниківський вісник) (1997–1999, 2011–2016, 2018), *Visti z ratushi* (Вісті з ратуші) (1993–1996), *Holos narodu* (Голос народу) (1991–1994, 1996–2020), *Holos Ratushi* (Голос Ратуші) (2003–2012, 2014–2018), *Dzherela Truskavtsia* (Джерела Трускавця) (2001–2016, 2018–2019), *Lvivshchyna* (Львівщина) (2012–2013), *Narodna dumka* (Народна думка) (1996–2021), *Narodna sprava* (Народна справа) (1991–2021), *Peremyshlianskyi kraj* (Перемишлянський край) (2008–2015), *Radianske Prybuzhzhia* (Радянське Прибужжя) (1993–1994), *Svoboda* (Свобода) (1992–1996), *Khodorivshchyna* (Ходорівщина) (2002–2020), *Yavorivshchyna* (Яворівщина) (1996–2021). A sufficient number of newspapers position themselves as national (*Boikivska dumka* (Бойківська думка) (1991–1993, 1996–2009, 2011–2013, 2015, 2018–2019), *Boikivshchyna* (Бойківщина) (1995–2020), *Verkhovynski Visti* (Верховинські Вісті) (2009–2021), *Visnyk Rozdillia* (Вісник Розділля) (1991, 1998–2015, 2018–2019), *Halyska zoria* (Галицька зоря) (1991–1993, 1996–2010, 2015, 2017–2018), *Halyskyi shliakh* (Галицький шлях) (1992, 1996–2008), *Holos vidrozhennia* (Голос відродження) (1993–2021), *Holos z-nad Buhi* (Голос з-над Бугу) (1991–2021), *Hromada* (Громада) (1991–2015), *Zhyttia i slovo* (Життя і слово) (2018–2021), *Za vilnu Ukrainu* (За вільну Україну) (1991–2007), *Nash kraj* (Наш край) (1991–1993, 1996–2021), *Novyi chas* (Новий час) (1991–2021), *Novyny Roztochchia* (Новини Розточчя) (2003–2005, 2012–2013), *Prykarpattia* (Прикарпаття) (1991, 1995–2007), *Ridne pole* (Рідне поле) (1996–2019)). They mostly have an informative character. On their pages, they published articles of a universal character (concerning events taking place in the country) and focused on regional issues important for the population in which the newspapers were published. The materials were designed for a large number of readers.

Religious publications (parochial, publications of theological education institutions, and individual churches) should be distinguished from the large newspaper periodicals of the time. Of all the existing confessional religions in Halychyna, the Ukrainian Greek Catholic Church (hereinafter - UGCC) has the most newspapers. In 1991, the newspapers *Vira batkiv* (Віра батьків) (1989–1991) and *Tserkovni dzvony* (Церковні дзвони) (1990–1991) continued to be

published, and showcased a number of materials devoted to the struggle for the legalization of the UGCC and about church life after its emergence from the underground.

Later, eparchy and parochial published newspapers, which were mostly distributed among the faithful and rarely spread beyond the parochial. Among them: *Meta* (Мета) (1992–2012), *Do istyny* (До істини) (1993–1994), *Khrystyianskyi visnyk* (Християнський вісник) (1994–2001), *Nova zoria* (Нова зоря) (1994–2021), *Zhyva voda* (Жива вода) (1996–2016), *Dzvynitsia* (Дзвіниця) (1999–2002), *Dzherelo zhyttia* (Джерело життя) (2003–2012), *Stradch* (Страдч) (2011–2014). However, there were publications that called themselves all-Ukrainian: *Khrystos nasha Syl*a (Христос наша Сила) (1995–2001), *Arka* (Арка) (2000–2008), *Dukhovnyi shchyt* (Духовний щит) (2004–2006), *Hreko-katolytska tradytsiia* (Греко-католицька традиція) (2004–2010). Christian publications of this kind pay attention mainly to the interpretation of the features of the foundations of the Christian faith, aimed at forming a Christian worldview in a person. It is dominated by materials of catechetical and instructive, theological and moral content, news of social and historical content, official documents and pastoral messages.

A special group consists of youth newspapers and newspapers of various Christian youth organizations (fraternities, students of theological seminaries): *Mytar* (Митар) (1991–1992), *Nadiia tserkvy* (Надія церкви) (1992–1998), *Viruii* (Вірю) (Lviv, 1994–2003), *Sofiia* (Софія) (1996–1997), *Obizhnyk Lvivskoi bohoslovskoi akademii* (Обіжник Львівської богословської академії) (1998–2003, 2005–2006, 2017), *Viruii* (Вірю) (Ivano-Frankivsk, 2003–2006), *Apostolska chota* (Апостольська чота) (2018–2021). The materials published here are aimed at educating spiritual and patriotic youth, conscious Christians and Ukrainians, and responsible citizens of their own country. Articles on socio-political and theological-moral topics, news from the life of the church and one or another organization prevail.

The Roman Catholic Church published the newspaper *Radoshchviary* (1995–2001, 2004–2006, 2008), the Ukrainian Orthodox Church – *Svitlo pravoslavia* (Світло православя) (1994–1998), and

the Ukrainian Autocephalous Orthodox Church - *Uspenska vezha* (Успенська вежа) (1991–2021), which covered topical issues in the life of the confession. It should be noted that quite often in the newspapers of traditional churches, there are publications devoted to warnings against the activities of various sects, new religious movements, Satanists and their influence on the consciousness of Christians, especially young people.

A number of newspapers were published in Halychyna, which covered cultural, artistic and literary-artistic issues. Among them: *Postup* (Поступ) (1991), *Post-postup* (Post-поступ) (1991–1996), *Homîn* (Гомін) (1991–1992), *Hutsulshchyna* (Гуцульщина) (1991–1994), *Zhaivir* (Жайвір) (1992–1993, 1996, 1998, 2000–2002), *Literaturnyi Lviv* (Літературний Львів) (1992–1998, 2001–2014), *Rusalka Dnistrova* (Русалка Дністрова) (1992–1998, 2002, 2007–2010), *Svit pryhod* (Світ прихід) (1992–1993), *Nedilia* (Неділя) (1993–1997), *Knyzhkova teka* (Книжкова тека) (1994–1997), *Knyzhkovyi svit* (Книжковий світ) (1998, 2000–2006), *Hilka zolotoho kashtana* (Гілка золотого каштана) (2002–2003), *Khram sertsia* (Храм серця) (2002–2007), *Nova nedilia* (Нова неділя) (2011, 2013–2014, 2018).

Industry newspapers published in Halychyna:

- legal (*Arbitrazhni visti* (Арбітражні вісті) (1999–2000), *Dilovyï dialoh* (Діловий діалог) (2001–2005), *Mytna gazeta* (Митна газета) (1995–2009, 2013–2015), *Prykordonnia* (Прикордоння) (2009–2012));
- economic (*Dilo=Business* (Діло=Business) (1992–1998), *Nove dilo* (Нове діло) (2000–2001), *Tustan* (Тустань) (1992, 1996, 1998, 2003–2005));
- medical (*Za medychni prava* (За медичні права) (2011–2021), *Medychna hazeta Ukrainy* (Медична газета України) (1995–1998), *Narodne zdorovia* (Народне здоров'я) (1991–2002, 2016), *Ukrainska medychna hazeta* (Українська медична газета) (1993–1994));
- educational (*Osvitianska niva* (Освітнянська нива) (1996–2003), *Osnova* (Основа) (1993–1996, 2004, 2006–2012, 2014)).

Occupational publications include: *Armîia Ukrainy* (Армія України) (1992–2006), *Visnyk pensionera* (Вісник пенсіонера) (2012–

2014), *Halyskyi futbol* (Галицький футбол) (1992–1994), *Derevoobrobnyk* (Деревообробник) (2002–2009, 2013–2016), *Drohobyttskyi koleksioner* (Дрогобицький колекціонер) (1992, 1993, 2002), *Zhyttia i pratsia* (Життя і праця) (1991–2005, 2008, 2012–2013, 2015, 2018, 2020), *Lvivskyi zaliznychnyk* (Львівський залізничник) (1991–2019), *Militsiyskyi kurier* (Міліцейський кур'єр) (1991–2015), *Poradnyk hospodaria* (Порадник господаря) (2013–2021), *Sportpanorama* (Спортпанорама) (2002–2005), *Kharchovuk* (Харчовик) (2005–2009).

The peculiarity of this type of newspaper is that materials posted here are intended for specialists and experts in a particular field. The articles are designed for a certain level of professionalism and the presence of special knowledge, and also require the reader to be familiar with the key issues of the industry.

A significant number of titles are publications by higher educational institutions (*Akademiia* (Академія) (2000–2005), *Audytoriia* (Аудиторія) (1997–2020), *Zakon i chest* (Закон і честь) (2000–2004), *Kamieniar* (Каменяр) (1991–1994, 1996–2001, 2004–2016), *Lvivskyi politekhnik* (Львівський політехнік) (1993–1997), *Medychna akademiia* (Медична академія) (2012–2021), *Osvita lisivnycha* (Освіта лісівнича) (2011–2014), *Polihrafist* (Поліграфіст) (2005–2012), *Svit Akademii* (Світ Академії) (1996–1997, 2003–2007), *Svit Universytetu* (Світ Університету) (2007–2013), *Universytetski visti* (Університетські вісті) (2008–2009, 2011–2013), *Yuryst* (Юрист) (2004–2012, 2019), *Alma Mater* (Алма Матер) (2009–2016, 2020–2021)), which highlight the main events of the educational institution, and materials that resonated in educational circles or in the relevant field of knowledge. An important fact is that almost all Lviv higher education institutions had their own newspaper, and sometimes, in addition to the general university press, publications of individual faculties or departments were published. In particular, the military department of Lviv Polytechnic State University (now – Petro Sahaidachnyi National Academy of Ground Forces) published the *Kursanttskyi visnyk* (Курсантський вісник) (1995–2007, 2009–2010), and the philological faculty of the Ivan Franko National University published the newspaper *Yaroslav* (Ярослав) (2004–2006, 2014).

A separate block consists of informational and advertising publications: *Vash mahazyn* (Ваш магазин) (2014–2020), *Visti Boikivshchyny* (Вісті Бойківщини) (1993–1994), *Halyskyi rynok* (Галицький ринок) (1991–1993), *Dilovyi Radekhiv* (Діловий Радехів) (1994, 1996–1997), *Zaproshuiemo na robotu* (Запрошуємо на роботу) (1995–2011), *Lvivska reklama* (Львівська реклама) (1993–2010), *Lvivski oholoshennia* (Львівські оголошення) (1993–2015), *Rieklama dlia vsiekh* (Реклама для всіх) (1992–1999), *Reklama dlia vsikh* (Реклама для всіх) (1996–1999), *Ridna zemlia* (Рідна земля) (1991–1995, 1997–1998, 2001), *Stryiski visti* (Стрийські вісті) (2007–2008), *Khosen* (Хосен) (1991, 1993, 1994), *Shans* (Шанс) (1992–2014) in which various information messages and announcements are presented.

There is a press for women (*Halychanka* (Галичанка) (1991–1995), *Zhinocha volia* (Жіноча воля) (2001–2002), *Pokrova* (Покрова) (1998–2003), *Ukrainka* (Українка) (1991–1993, 2001), *Charivnytsia* (Чарівниця) (1992–1996)), as well as for youth and children (*Dity Marii* (Діти Марії) (1993–1994, 1996–2005), *Moloda Halychyna* (Молода Галичина) (1991–2006), *Suziria* (Сузір'я) (2005–2011, 2016), *Suziria fest* (Сузір'я фест) (2017–2019)). Several satirical and humorous newspapers (*Patylko* (Патилько) (1995–2003, 2009, 2011–2018), *Sakvoiazh* (Саквоязж) (1992–1993)).

National minorities of Halychyna also actively published their own press: German (*Freiheit und Wiedergeburt* (1994–1995)), Polish (*Gazeta Lwowska* (1991–1998, 2000–2007), *Głos nauczyciela* (2002–2008), *Kurier galicyjski* (2007–2020), *Mikroskop pana Jurka* (2006–2010), *Nowy kurier galicyjski* (2021)), Hebrew (*Biuletyn Vseukrainskoho yevreiskoho blahodiinoho fondu Kheseḏ-Arie* (Бюлетень Всеукраїнського єврейського благодійного фонду «Хесед-Аре») (2019–2020), *Kheseḏ-Arie* (Хесед-Арье) (2000–2018), *Shofar* (Шофар) (1991–2006, 2009–2021)), Belarusian (*Viestki z Bielarusi* (Весткі з Беларусі) (2011, 2012, 2018)) and in Russian (*Diēn za dniem* (День за днем) (1998–2003), *Russkii viestnik* (Русский вестник) (1998–2016), *Soviest* (Совесть) (1991–1996)).

A special place among specialized publications is occupied by newspapers of charitable foundations and public social protection bodies, as well as for people with special needs (*Blahovist*

(*Благовіст*) (1993–2021), *Vilna Ukraina* (Вільна Україна) (1991, 1993–2014), *Dobre sertse* (Добре серце) (1991–1993), *Moia spovid* (Моя сповідь) (2013–2021), *Povir u sebe* (Повір у себе) (1998–2005), *Khram sertsia* (Храм серця) (2002–2007)).

A separate group consists of universal or general publications that had a fairly broad thematic content (*Vilne slovo* (Вільне слово) (2003–2016), *Halytska brama* (Галицька брама) (1994–2004, 2007–2010, 2012–2013), *Lvivska hazeta* (Львівська газета) (2002–2015), *Lvivski novyny* (Львівські новини) (1993–1994), *Sambirska hazeta* (Самбірська газета) (2016–2019), *Ternopil vechirniy* (Тернопіль вечірній) (1993–1994), *Ternopil'ska hazeta* (Тернопільська газета) (1996–1999, 2002–2003), *Tyzhden* (Тиждень) (1996–2000), *Ukraina i chas* (Україна і час) (2002–2008)). Such diverse topics of newspapers contributed to reaching a wider range of readers, which allowed them to gain a foothold in the information market. Some of these publications are still published today. Among them: *Vysokyi zamek* (Високий замок) (1993–2021), *Ekspres* (Експрес) (1992–2021), *Za vilnu Ukrainu plius* (За вільну Україну плюс) (2004–2021), *Zakhid* (Захід) (1999–2021), *Ratusha* (Ратуша) (1991–1995, 1997–2021), *Ukrainske slovo* (Українське слово) (1991–2011, 2016–2021).

CONCLUSIONS

Regarding the conducted research, the following conclusions and generalizations can be made: 1) a wide range of newspapers was formed during the years of the formation of independent Ukraine; 2) by topic, the largest number of newspapers are socio-political (publications of political parties, local self-government bodies, national newspapers), religious, cultural, literary-artistic; 3) professional publications are presented, which include industry and occupational newspapers; 4) quite a lot of specialized (mono-thematic) publications, which include: informational and advertising, women's, youth, children's, higher educational and satirical and humorous newspapers, as well as newspapers from the national minorities of Halychyna and charitable organizations; 5) a small number of newspapers of a universal nature.

Classifying the press of Halychyna during the period of independence of Ukraine, six thematic groups of newspapers can be distinguished: 1. socio-political; 2. religious; 3. cultural, literary-artistic; 4. professional; 5. specialized; 6. universal. The selected groups are mainly divided into subgroups that demonstrate the thematic diversity of the studied publications.





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