

JOURNAL ON EUROPEAN HISTORY OF LAW



JOURNAL

VOL. 7 / 2016 NO. 2

Editorial staff

JOURNAL ON EUROPEAN HISTORY OF LAW:

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

TABLE OF CONTENTS

<i>Diemut Majer</i> : Die Französische Revolution als Hintergrund der europäischen Grundrechts- und Privatrechtsentwicklung	2
<i>Philip Pajakowski</i> : “The Free Conviction, Rising from within”: Julius Glaser and the Establishment of Trial by Jury in Liberal Austria	27
<i>Andrew Watson</i> : The Silent Revolution in Methods of Advocacy in English Courts	36
<i>Alessandro Hirata</i> : Roman and Neo-Babylonian Private Law in a Comparative Legal History Perspective	48
<i>Dmitry Poldnikov</i> : Origins of General Concept of Contract in Western European Legal Science (12th through 16th Centuries)	53
<i>Gábor Hamza</i> : Tradition des römischen Rechts und Kodifikation des Privatrechts in Bulgarien	60
<i>Tamás Nótári</i> : Some Remarks on the Issue of Suicide in Roman Criminal Law	65
<i>Katalin Siska</i> : Slavery in the Ottoman Empire	71
<i>István Sándor</i> : On the Emergence and Development of the Trust Legal Institution	80
<i>Péter Bónis</i> : Bona fides exuberans. A New Legal Concept of Twelfth Century Legal Scholarship	97
<i>György Képes</i> : The Birth and Youth of the Modern Hungarian Private Law	102
<i>Csaba Cservák</i> : The Theory of the Distribution of Powers and its Practical Implementation, in Particular with Regard to the United States	114
<i>Lu Da</i> : Jus Sanguinis – The Basic Principle in Citizenship Law, Comparative Analysis of First Citizenship Law between Visegrad Four and China	123
<i>Fanny Koleva</i> : First Trademark Regulations in Bulgaria	130
<i>Engjëll Likmeta, Enton Dimni</i> : Historical – Legal View of the Freedom of Religion in Republic of Albania	139
<i>Carmine Galloro</i> : Der Rücktritt gemäß Art. 50 EUV unter Rechtshistorischen Aspekten. Der Fall des sog. „Brexit“	150

READERS REACT

- Jozef Beňa*: History of Law or History of State and Law.
(On the Subject of Pedagogical and Scientific Work of Legal Historians)
- 162

BOOK REVIEWS

- Peter Landau*: Deutsche Rechtsgeschichte im Kontext Europas. 40 Aufsätze aus vier Jahrzehnten
- 168
- Henning Kästner*: Der Weimarer Landtag 1817-1848. Kleinstaatlicher Parlamentarismus zwischen Tradition und Wandel
- 169
- Viktor Winkler*: Der Kampf gegen die Rechtswissenschaft. Franz Wieackers „Privatrechtsgeschichte der Neuzeit und die deutsche Rechtswissenschaft des 20. Jahrhunderts“
- 170
- Martin P. Schennach*: Neuere italienische Rechtsgeschichte: 19. und 20. Jahrhundert
- 171
- Jiří Bílý*: Christianizace římského antického státu (Stát – Právo – Náboženství – Společnost)
- 172
- Michael Stolleis (Hrsg.)*: Konflikt und Koexistenz. Die Rechtsordnungen Südosteuropas im 19. und 20. Jahrhundert (= Band 1: Rumänien, Bulgarien, Griechenland)
- 173
- Julia Maria Gokel*: Sprachliche Indizien für inneres System bei Q. Cervidius Scaevola
- 174

REPORTS FROM HISTORY OF LAW

- Die Gründung der Dezső-Márkus-Forschungsgruppe für Vergleichende Rechtsgeschichte in Pécs. Beweggründe – Motive – Visionen
- 180
- „Prolegomena per una palingenesi dei libri di Paolo ad Vitellium“
- 184
- Forth Biennial Conference of the European Society for Comparative Legal History
«Culture, Identity and Legal Instrumentalism» (Gdańsk-Gdynia, 28 June – 1 July 2016)
- 187
- Guidelines for authors
- 189

JOURNAL ON EUROPEAN HISTORY OF LAW

© 2016 STS Science Centre Ltd.

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

Issued twice a year.

Printed in the EU.

ISSN 2042-6402