

Rev. Jacek Grzybowski

Cardinal Stefan Wyszyński University in Warsaw, Poland

ORCID: 0000-0001-7814-6825

*Paulus Vladimiri and Stanislaus de  
Scarbimiria – medieval Krakow law school  
and the Polish contribution to the formation  
of the rights of nations*

**Abstract:** The formation of medieval national communities constitutes the basis of political and cultural European history. However, it is almost forgotten nowadays that a significant contribution to reflections on sovereignty was made by Polish scholars. Stanisław of Skarbimierz (Stanislaus de Scarbimiria – 1365-1431) and Paweł Włodkowic (Paulus Vladimiri – 1370-1435), medieval Cracovian jurists and philosophers, are rather unknown in the Western milieu. Both of them added their voices to one of the most important disputes for European political culture. The 15th-century debate between Jagiellonian Poland and the Teutonic Order that conquered the Prussian lands became the basis for Polish lawyers to develop an ingenious theory concerning human rights and the rights of nations. Stanisław of Skarbimierz and Paweł Włodkowic, the founders of the Polish school of law at the Cracow Academy, in their writings and letters, firmly demonstrated injustice, the breaking of basic human rights, injuries, and other crimes perpetrated by the Teutonic knights against the Prussians, Lithuanians, Yotvingians and Poles. The scholars elaborated on the most important problems of law and international relationships, concerning the issues of human rights, the right to self-determination, just war, respect for personal property and human dignity. The doctrine of the Polish School of international law elaborated by Paul Wladimiri and Stanislaw of Skarbimierz have had and still make a considerable impact on the understanding of human rights and rights of nations. Their works and sermons espouse the craving for international justice, while securing national interests, and for a model of Europe as a “family of independent and sovereign nations” whose coexistence is founded on the Christian anthropology according to which a man as endowed by God with dignity and freedom. The works of the Cracovian masters should impress us and make proud of our legacy, while in Europe they should awaken interest and creative thought.

**Keywords:** middle Ages, Paulus Vladimiri, philosophy of law, rights of nations, Stanislaus de Scarbimiria

**Abstrakt:** Formowanie się średniowiecznych wspólnot narodowych jest podstawą politycznej i kulturowej historii Europy. Dziś zapomina się jednak, że szczególnie poważny wkład w refleksję nad suwerennością narodów mieli także Polacy. Postaciami często nieznanymi w środowisku Zachodnim są średniowieczni krakowscy prawnicy i filozofowie – Stanisław ze Skarbimierza (Stanislaus de Scarbimiria – 1365-1431) i Paweł Włodkowic (Paulus Vladimiri – 1370-1435). Obaj zabrali głos w jednym z najważniejszych dla europejskiej kultury politycznej konfliktów. Spór jaki miał miejsce w XV wieku pomiędzy Polską Jagiellonów a obecnym na ziemiach Pruskich Zakonem Krzyżackim, stał się podstawą do stworzenia przez polskich prawników teorii praw człowieka i praw narodów. Stanisław ze Skarbimierza i Paweł Włodkowic – uczeni tworzący na Akademii Krakowskiej polską szkołę prawa – w swoich pismach i listach z całą stanowczością dowodzili niesprawiedliwości, krzywd i złamania podstawowych praw ludzkich, jakich dopuszczali się w tamtych czasach Krzyżacy, zarówno wobec Prusów, Jądzwingów, Litwinów, jak i Polaków. Dostrzegli to i twórczo opracowali najważniejsze problemy prawa i relacji pomiędzy ówczesnymi ludami i narodami – praw człowieka, praw narodów do samostanowienia, wojny sprawiedliwej, poszanowania własności i godności osoby. Krakowski akademik Stanisław ze Skarbimierza w swoim sławnym kazaniu *De bellis iustis (O wojnach sprawiedliwych)*, jako jeden z pierwszych w świecie mówił z całą stanowczością, że nie wolno wywoływać nieuzasadnionej wojny, nie wolno bez słusznego powodu walczyć z człowiekiem, a walka zbrojna może być usprawiedliwiona tylko pod określonymi warunkami. Doktryna polskiej szkoły prawa międzynarodowego, której współtwórcami byli Paweł Włodkowic i Stanisław ze Skarbimierza, miała i wciąż ma olbrzymie znaczenie dla zrozumienia praw człowieka i praw narodów. W ich tekstach, pracach i kazaniach widać bowiem tęsknotę do międzynarodowej sprawiedliwości, godziwej racji stanu, modelu Europy jako „rodziny wolnych i suwerennych narodów”, gdzie wspólna koegzystencja zostaje uzasadniona chrześcijańską antropologią człowieka obdarzonego przez Boga godnością i wolnością. Stąd średniowieczne prace krakowskich mistrzów powinny w Polsce budzić podziw i poczucie dumy, a w Europie zainteresowanie i twórczy namysł.

**Słowa kluczowe:** filozofia prawa, Paweł Włodkowic, prawa narodów, Stanisław ze Skarbimierza, średniowiecze

Only those who do not realise how strongly we are influenced by various ideas, views, and philosophical concepts can think that disputes and controversies that occurred in remote centuries do not concern us at all. However, one who is aware of the history of civilisation and the value of human thought on important matters, will see clearly that studying old writings and disputes may bring us wisdom and help us to better understand our current affairs and to face the challenges of modern times.

### Rise of nations

A significant number of researchers and historians are not aware of the fact that contemporary much-discussed problems of human rights, national subjectivity, and state subjectivity have their historical and substantive sources in Polish medieval science and culture. These issues emerged in the medieval history of Poland and Europe in connection with the famous conflict between Jagiellonian Poland and the Teutonic Knights – a military order that tried to convert pagans of Pomerania to Christianity by the sword [Biskup 1993; Górski 1986]. It should be remembered that in the background of these events lie the unusual social dynamics in medieval Europe: the rise of universities, the Investiture controversy, struggle for supremacy, fervent theological disputes, heresies and condemnations, and finally the development of national monarchies in Europe.

It was in the Middle Ages, as many researchers (both Polish and Anglo-Saxon) prove, that the beginnings of nations' existence and functioning in the international European arena can be found. At the turn of the 11<sup>th</sup> and 12<sup>th</sup> centuries there was the awakening of national consciousness in Europe, a process of construction of national identities, the sense of belonging to one's own country, the belief about possessing a homeland (the fatherland – the land of forefathers, native land), and sense of distinctiveness from other nations, languages, homelands. This awareness manifested itself in the crusading movement initiated in the *Christianitas* in the late 11<sup>th</sup> century, in the development of universities and the division of students (clerks) into nations, but also in the conflict between some monarchs and the pope. The struggle for supremacy consequently antagonised the parties within the conflict, awakening at the same time a sense of distinctness in particular groups such as the French, Germans, Portuguese or Hungarians<sup>1</sup>. In the Middle Ages, to

<sup>1</sup> Huizinga cites the famous phrase of John of Salisbury from his text against the politics of the emperor Frederick Barbarossa: *Quis Teutonicos constituit iudices nationum?* ("Who has appointed the Germans to be judges of nations?") [see Huizinga 1965: 698-702]. In Poland these differences were marked by the synodal resolutions in Łęczycza (1285) where a statute for the conservation and preservation of the Polish language was instituted and a sense of national distinctness and identity was also expressed by using the terms *gens Polonica* and *gens Teutonica*. Benedykt Zientara is of the opinion that it can be interpreted as a declaration of the existence of two separate nations aware of their distinctness, Polish and German [see Zientara 1989: 72-73; Walicki 2009: 41-42; Innes 2001; Strayer, Tilly, Jordan 2011]. Polish national consciousness was undoubtedly influenced by the baptism of Poland by Mieszko I and Church mediation. These were the first signs of national thinking. However, systematic philosophical, theological, and speculative reflection on the notion of nation appeared in Poland towards the end of the 14<sup>th</sup> century [see Nowak 2017: 277- 296]. A polemical stance regarding the thesis about the rise of national communities in the Middle Ages was taken by A. D. Smith who argued that even if such processes took place, they were initiated by

a greater extent than in the ancient Greece or Rome, belief in the community of origin identifying a tribe or a nation had risen. The research done by B. Zientara points to the Franks as the first tribe with the national community characteristics. The ambitions of the Carolingian dynasty, with its attachment to Christian symbolism and ethos, as well as its members consequently calling themselves “the kings of Franks” on the one hand led to the propagation of their royal image, and, on the other hand, to demonstrating the advantages of tribal-national integration on the ideological, military, and cultural levels.

Medieval nations emerged as societies shaped by politically aware higher classes (knights, clergy, aristocracy, scholars), united by common language, tradition, common myth about origin, attachment and love for the land they inhabited [see Zientara 1985: 14-29; Zientara 1990: 24-25; Ihnatowicz, Mączak, Zientara 1979: 21-25; Dawson 1971; Dawson 1954; Bloch 2014: 395-412]. National monarchies in Europe grew stronger in the 15-17<sup>th</sup> centuries, while the modern notion of “state” (*lo stato, l'état, der Staat, the state*) reached its apogee in the 19<sup>th</sup> century<sup>2</sup>. This is the time when the idea of nation as the sovereign of the national state was born (in the cultural, political, collective dimension), inspired by the romantic movements<sup>3</sup>.

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relatively small elites. He stressed that nationalism is a mass phenomenon, and collective national identity did not exist in the Middle Ages [see Smith 1988: 70-103; Smith 2008: 51-65; Smith 1991: 44-58].

<sup>2</sup> The contemporary meaning of the term “state” is distinctly related to the Italian term *lo stato* introduced in the Renaissance by Niccolo Machiavelli. In historical sciences concerned with state and law some scholars dispute the use of this term in Europe before the time when monarchies of estates came into being. This standpoint presupposes that the structure and principles of functioning of an organisation are essential to endowing it with the characteristics of a state. For others, however, the state is defined by people’s historical experience. For Greeks it was the *polis*, meaning “city-state”, for Romans it was the *civitas* regarded as the social body of *cives* (citizens) who had equal rights, or the *res publica* – the community of the individuals. Apart from these terms there was also another name for a state – *populus, gens*, meaning “people”. In the Middle Ages social structures were described as *societas, civitas, multitudinis* and as *terra, terre*, which indicates the importance of the territory, the ownership of the land. Therefore, in the historical context there is no general definition of a state that can be employed to name both the republic and the monarchy. The general theory of the state was developed as late as the beginning the 16<sup>th</sup> century. The scientific notion of state as a subject of study is even younger – it appeared in 1829 in the Robert von Mhol’s work *Gerechtichkeit als principium iuris*. The present meaning of this word had been elaborated by the lawyers and legal theorists at the end of the 19<sup>th</sup> and the beginning of the 20<sup>th</sup> century; the concept evolves along with the development of the modern state [see Thiesse 2019: 65-99; Kustra 1999: 16; Seidler, Groszyk, Malarczyk, Pieniżek 1996: 31; Błaszczuk 1997: 77].

<sup>3</sup> The problem of sovereignty is not historically simple [see Shinoda 2000; Bahcheli, Bartmann, Srebrnik 2004; Engerman, Metzger 2004; Krasner 2001].

A sovereign nation is a community of people sharing a common language and culture, which is formed on the basis of common origin, kinship, and territory. From this perspective, a nation in the broad social consciousness (the intellectuals, as well as the lower social classes – peasants, proletariat, craftsmen) appears as an ontological entity [Connor 1994: 94]. The 19<sup>th</sup> century saw the rise of belief that national consciousness is the foundation upon which a nation is built.

### **The dispute between the Polish state and the Teutonic Knights and the rights of pagans**

The formation of medieval national communities constitutes the basis of political and cultural European history; however, it is almost forgotten nowadays that a significant contribution to the reflections on sovereignty was made by Polish scholars. Stanislaw of Skarbimierz (Stanislaus de Scarbimiria – 1365-1431) and Paweł Włodkowic (Paulus Vladimiri – 1370-1435), medieval Cracovian jurists and philosophers, are rather unknown in Western society<sup>4</sup>. Both of them added their voices to one of the most important for European political culture disputes. The 15<sup>th</sup>-century debate between Jagiellonian Poland and the Teutonic Order, which conquered the Prussian lands, became the basis for Polish lawyers to develop an ingenuous theory concerning human rights and the rights of nations<sup>5</sup>.

Stanislaw of Skarbimierz and Paweł Włodkowic, the founders of the Polish school of law at the Cracow Academy, in their writings and letters firmly demonstrated the injustice, breaking of basic human rights, injuries, and other crimes perpetrated by Teutonic knights against Prussians, Lithuanians, Yotvingians, and Poles

<sup>4</sup> In Poland the issues of nation were tackled by Matthaeus of Cracow, Jan Ostroróg, Andrzej Frycz Modrzewski. In their teaching there is a specific concept of nation as a subject of social life, natural law, and the place that gives a man a possibility to develop as a social being. Czesław S. Bartnik recognises the beginnings of the Polish nation in the contact of the first Piasts' state with the representatives of other Christian states. This contact accelerated construction and shaping of national consciousness in clans, tribes, and peoples. In the works of the outstanding Poles in the Middle Ages – Wincenty Kadłubek, Jan of Czarnków, Marcin Kromer – Bartnik finds evidence of national self-awareness development expressed in myths and legends about Lech, Krak, Popiel, Piast, as well as in confronting the idea of the Polish nation with other peoples [see Samsonowicz 2007: 151-153; Bartnik 2001: 144; Płotka 2016: 103-104, 131-132; Nowak 2014: 42-78].

<sup>5</sup> I would like to point out at once that I do not use the terms “human rights” and “rights of nations” in the modern sense. It is about raising awareness about the law's validity in general, its universality and the Christian inspiration's belief in equality for all with God. The literature on this subject is very extensive: Brust 2012: 343-363; Tierney 2001; Oakley 2005; Frohnen 2005: 785-786; Frohnen 2012: 599-632; Bloom, Martin, Proudfoot 1996; Hill 2002; Fine 2007: 1-7.

[Skomial 2014: 92-122; Frost 2015: 277-286; Muldoon 1979: 107-110]. The scholars elaborated on the most important problems of law and international relationship, concerning the issues of human rights – the right to self-determination, justification for war, respect for personal property and human dignity.

Unfortunately, most people are not aware (and the European elites have long since forgotten) that it was Stanislaw of Skarbimierz, the Cracovian professor of law, who in his famous sermon *De bellis iustis* [see Stanisław ze Skarbimierza]<sup>6</sup> spoke vehemently about the unacceptability of unjustified war: it is forbidden, according to him, to fight another human being without sufficient reason, while armed struggle can be justified only when it is aimed at justice, self-defence or restoring and ensuring peace [see Ehrlich 1955: 5nn].

Stanislaw defined precisely the conditions under which a just war can be waged: only laymen can engage in warfare, solely in order to recover occupied territories or in defence of one's country; war should be waged as a necessary means for restoring peace and cannot be motivated by hatred, revenge or greed, but by zeal in defending the law of God, love and a sense of justice. Just war should be supported by the Church's authority, especially, when waged in the name of faith [Paweł Włodkowic, Stanisław ze Skarbimierza, Benedykt Hesse, Mateusz z Krakowa 2018: 43-44; Domański 2011: 219-228]. Bloodthirsty hatred and greed are condemnable. Stanisław argued that on the assumption that pagans are human beings, and a human being, as created by God and wanted by God, is the most worthy creature in the world, pagans possess the same rights as Christians. Therefore, pagans who own property and establish their own states and communities have a legitimate right to freedom, peace, and ownership of their lands. Deliberate violation of this right is a sin [Ehrlich 2017: 42].

The similar argumentation was employed by Paul Vladimiri, who took human dignity as a starting point, since all people are the children of God<sup>7</sup>. He writes:

“All, both faithful and infidels, are sheep of Christ through creation, although they are not of the fold of the church. [...] Dominions,

<sup>6</sup> Polish version: Stanisław ze Skarbimierza 2018: 41-59. The commentators point out that Stanisław incorporates into his sermon many themes from the earlier reflections on the war; for example, he cites two fragments from the writings of Thomas Aquinas [see Ehrlich 2017: 37].

<sup>7</sup> Paul Vladimiri as “cracow custodian, doctor of law and master” Jan Długosz directly recalls [Długosz 1983: 28].

possessions and jurisdiction, because these have been made not only for the faithful, but for every reasonable creature, as above. From this it is inferred, according to Innocent, that it is not allowed to take away from infidels their dominions, possessions, or jurisdiction, because they possess them without sin, and by God's authority" [Paweł Włodkowic 1968a: 13, 29].

Medieval Polish scholars were entirely convinced that war per se always means a violation of the commandments "thou shalt not kill" and "thou shalt not steal" while the observance of these commandments is closely related to the adherence to the natural law that is obligatory for everyone, regardless of their national origin and religion<sup>8</sup>. Therefore, Cracovian jurists claimed that armed struggle, especially in the case of Christian believers, can be employed only as a rightful defence against unjust military attack and only in order to restore peace and the order of law, without greed, hate or vengeance. In 1415, Paul Vladimiri wrote that even the pope, the head of the Church, is not allowed to seize the property of other people, because he is bound by the natural law, which he must obey. What is more, he cannot punish infidels if they do not sin against the natural order<sup>9</sup>. Vladimiri regarded military attacks against pagans (Jews, Saracens, and others), who live peacefully in their own state and do not hinder Christian religious practices, as contemptible and unfounded (without any significant reason, such as posing a threat to the lives and property of Christians)<sup>10</sup>. Faith is the theological virtue and it should be propagated by theologians, not by warriors. It cannot be spread through fighting and waging war. The only situation when armed struggle can be justified is an attempt to stop the prevention of Christians from practicing their faith, but never as a coercion to faith<sup>11</sup>.

<sup>8</sup> "Divine law opposes viz. *Thou shalt not kill; Thou shalt not steal*, for in the words: *Thou shalt not steal* is forbidden all robbery and in the words *Thou shalt not kill* all violence" [Paweł Włodkowic 1968a: 59].

<sup>9</sup> "And therefore the law which is called natural is common to us and to other animals. [...] Thus also it should be said of the Pope, he is the vicegerent of God: he can justly punish infidels for the same reasons and whenever they transgress the bounds of the law of nature" [Paweł Włodkowic 1968a: 92, 98]. When writing on natural law Paul refers to the authority of St. Thomas Aquinas (*Sum. Theol.*, II-II, q. 57, art. 3). The influence of St. Thomas on Paul Vladimiri's views was thoroughly discussed by Fr. S. Bełch OP [Bełch 2017: 89-105].

<sup>10</sup> "Jews and Saracens are our neighbors and are therefore to be loved by us as ourselves, that is admitted to the same as we" [Paweł Włodkowic 1968b: 192].

<sup>11</sup> "It is not allowed to compel infidels by arms or oppressions to embrace the Christian faith, for to take this way is to wrong our neighbor, and bad things must not be done in order that good things should result. [...] faith must not be from necessity, since forced services do not please God" [Paweł Włodkowic 1968a: 60; Alexandrowicz 2017: 55-61; Carty 2017: 165-168].

Paul criticised papal and imperial privileges, which the Crossbearers claimed to give them approval for launching a military campaign in order to spread Catholic faith without giving a reason for attack. The resulting attitude generates an unjust law that allows peaceful infidels, who do not interfere with Christian religious practices, to be invaded and deprived of their land and property. The Cracovian professor clearly demonstrated the injustice of such decrees on the basis that they are overtly unfair and violate the norms of natural law [Ehrlich 2017: 185].

### **Polish lawyers at the Council of Constance**

The dispute between the Poles and the Teutonic Knights acquired its European dimension at the Council of Constance (1414-1418)<sup>12</sup>, where the Polish delegation had undertaken the difficult task of advocating the rights of nations and rights of infidels to possess their own land (and properties) and to live in peace. It should be remembered that the idea about infidels possessing the same rights to live and to be protected as Christian nations was revolutionary at the time and would take a long time to be universally accepted [Swieżawski 1990: 26-29; Szczech 2014: 23-54]. Due to the active Polish stance, the Council of Constance became a place for the manifestation of the unjust and unchristian behaviour of the Teutonic Knights towards the Lithuanians, Prussians, and Poles. The main objective of the Polish jurists' academic work and their mission at the Council was to raise awareness about the international dimension of dignity of every human being, as well as a nation's right to self-determination, along with exposing the immoral practices exercised by the members of the religious order, whose ultimate task was to serve the Catholic Church.

The Polish delegation at Constance, including the archbishop Mikołaj Trąba, Paweł Włodkowic, Stanisław of Skarbimierz, and Zawisza Czarny, in defending

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<sup>12</sup> The Council of Constance (the congregation of European Christian Latin community) was held at the time of the Western Schism, when the Church was led by three popes and conciliarist ideas (supremacy of the general council over the pope) were popular. There were app. two thousand participants, which made this Council the longest and the most numerous congregation in medieval Europe [see Welsh 2008: 97-111; Finke 1896-1928; Morrissey 2014; Baron, Pietras 2003: 167-182]. During the meetings at the Council of Constance (1414-1418) the participants were organised into national delegations as *nationes*. The Polish delegation appeared for the first time in the international arena as *natio slavonica* or *polona*. In the debate between the Polish Kingdom and the Teutonic Order, Poland was represented by Paul Włodkowic and Andrew Laskarz. The existence of the Polish nation was already known in Europe. The participation of the Polish delegation in the Constance Council has been widely discussed by L. Ehrlich, A. Prochaska, T. Silnicki [Ehrlich 2017: 71-156; Prochaska 1996: 16nn; Silnicki 1962: 65-82].

the Polish reasons of state revealed to the European monarchs, clergy, and scholars the complexity of Polish-Teutonic disputes as a European problem<sup>13</sup>. Paweł's works contributed in particular to the accurate representation of this thesis in the shape of well-founded legal arguments which carried a great significance for the whole of Europe. The Cracovian lawyer contends:

“From which is evidently gathered the answer to another question: that the Crucifers fighting with peaceful infidels as such, have never had a just war. This is clear, because every law is against those attacking infidels who want to abide in peace” [Paweł Włodkowiec 1968a: 58].

It is worth mentioning that these important theses and principles formulated by the Cracovian scholars started to be introduced and implemented in international law as late as the 19<sup>th</sup> century. Community awareness of these issues came even later, in the 20<sup>th</sup> century, due to the horrendous experience of totalitarian crimes. It seems that the Polish lawyers, bearing in mind the dramatic experience with the Teutonic Order, were the ones who – even earlier than the lawyers from Salamanca – succinctly and pertinently addressed the subject of human dignity, rights of nations, and justified war. Ludwik Ehrlich claims that Stanislaus' *De bellis iustis* is the earliest legal treatise in Europe devoted exclusively to the public discussion regarding the legal issues of war. It is based on the most important sources, theological and legal authorities, and it discusses the most basic and current issues [Ehrlich 2017: 46]. Stanislaw Wielgus points out that the works of two Polish legal theorists (Paul Vladimiri and Stanislaw of Skarbimierz) were forerunners of the strikingly similar tracts of Francisco de Vitoria (*On the law of war* and *On the American Indians*, where he formulated very much the same principles) and even of Hugo Grotius. It is worth noticing that these tracts, written in the Western Europe a hundred years later, are based on similar sources as the works of the Cracovian Masters. Why then did the originality of the Polish scholars' ideas not

<sup>13</sup> Jan Długosz wrote in his *Chronicles* that King Jagiello sent to the Council of Constance a special delegation consisting of bishops, knights, and learned doctors of theology and law, under the leadership of the archbishop Mikolaj Trąba. “King Władysław Jagiello appointed to the Council of Constance, which was to begin on November 1, went to the deputies as official purpose of soliciting his case: archbishop of Gniezno Mikolaj and bishops: Włocławek Jan, Płock Jakub and elect from Poznań Laskarz and knights: castellan of Kalisz Janusz from Tuliszkow and Zawisza Czarny from Grabow. On 27 November they arrived in Konstanz, a large and beautiful retinue. On St. Barbara presented at the meeting to Pope John, cardinals and fathers of the Council, recommending a document King Władysław and the Kingdom of Poland and were incorporated into the Holy Synod” [Długosz 1983: 42-43, 45] [see more Wyzrozumski 2009: 31-42].

register in the European mentality? There could be several reasons for this: Europe had largely lost interest in the Polish-Teutonian conflict after the Council. Western thinkers took a dim view of the happenings on the eastern boards of Christian Europe. There were no printed editions of the Cracovian scholars' seminal works and, finally, the Poles themselves were not paying sufficient attention to these matters at the end of 15<sup>th</sup> and the beginning of the 16<sup>th</sup> centuries [Wielgus 2018: 194-199; Czartoryski 1970: 144]<sup>14</sup>.

### **National sovereignty and the subjectivity of people**

The doctrine of the Polish School of international law elaborated by Paul Vladimiri and Stanislaw of Skarbimierz had and still has a considerable impact on the understanding of human rights and the rights of nations. Their works and sermons declare a craving for international justice, while securing national interests for a model of Europe as a "family of independent and sovereign nations," whose coexistence is founded on the Christian anthropology, according to which every human being is endowed by God with dignity and freedom [see Bełch, Domański, Graff, Jasudowicz, Krzyżanowski, Niesiołowski, Ożóg, Wielgus 2018: 38]. The works of the Cracovian masters should impress us and make us proud of our legacy, while in Europe they should awaken interest in the discussed issues and inspire creative thought.

Polish Dominican friar, the philosopher and co-founder of the Lublin Philosophical School Father Mieczyslaw Krapiec was of the opinion that that since the times of Włodkowiec and Stanislaw of Skarbimierz, any doctrine of limitations put on sovereignty – in the name of whatever ideals, even the most noble – always raised opposition in the Polish collective mind. The medieval concept of state and national sovereignty born in our culture in the Middle Ages is today deepening its theoretical foundation in recognition of the uniqueness of a human being who should always be regarded, from the moment of their conception until natural death, as the prime sovereign, the first subject of human rights and obligations. Only human beings have the ability to embrace themselves and the entire world with their cognition and their love, along with the ability to make free decisions,

<sup>14</sup> Stanisław Bełch claims that the legal argumentation in the famous treatises of Hugo Grotius on international law are somewhat crude and immature compared to the writings of Vladimiri and Stanislaus of Skarbimierz [see Bełch 1965: 25]. About the relations between the texts of Paul Vladimiri and Francisco de Vitoria see Winiarski 1935: 341-345. It is surprising that the influence of the Cracovian Masters on Spanish legal thought is not mentioned by A. Szafulski [Szafulski 2009].

and for this reason a human being should always be affirmed as a person. Sovereign decisions of a human being are the ultimate foundation of sovereign decisions made by the state. A human being, as a sovereign in his or her own right, cannot be treated as a thing, a subject-matter of decisions made by someone stronger. In the same way, a state that consists of citizens organised in a sovereign society cannot be subjected to any decision of another state. It never loses its sovereignty over its own rights and decisions [Krapiec 1996: 41-56].

Especially today, when Europe is engaged in heated discussions about sovereignty and the right to self-determination, it is worth remembering that Pawel Wlodkowic and Stanislaw of Skarbimierz voiced legal theories unusually progressive for their times. Their doctrine was of enormous significance for the later development of international law, as they elaborated a whole legal system that maintains its relevance even today and influenced the crystallisation of legal concepts of the human rights and laws of nations in the modern age [Wesołowska 1997: 110-120]. Although, the Polish delegates at the Council of Constance created a legal theory concerning the understanding of the laws of just war and international relations in a particular political situation, in order to pursue eminently practical aims, at the same time, they succeeded in creating, for the first time in Europe, even before the scholars from western universities (such as Francisco de Vitoria, Bartolomeus de las Casas, Hugo Grotius), one entire and comprehensive legal system, transcending particular political events and the particular epoch – the theory of the laws of nation (*ius gentium*), which contains valuable and still relevant propositions of solutions for debates in international politics [Wielgus 1996: 18-22].

## Bibliography

- Alexandrowicz C.H. (2017), *The Law of Nations in Global History. The History and Theory of International Law*, ed. D. Armitage, J. Pitts, New York.
- Bahcheli T., Bartmann B., Srebrnik H. (red.) (2004), *De Facto States: The Quest for Sovereignty*, London-New York.
- Baron A., Pietras H. (red.) (2003), *Dokumenty soborów powszechnych, tom 3, (1414-1445) Konstancja, Bazylea, Ferrara, Florencja, Rzym*, Kraków.
- Bartnik Cz.S. (2001), *Idea polskości*, Radom.
- Belch S. (1965), *Paulus Vladimiri and His Doctrine Concerning International Law and Politics*, tom 1, Haga.

- Bełch S. (2017), *Pisma św. Tomasza z Akwinu jako źródło politycznej doktryny Pawła Włodkowica*, „Christianitas”, 70.
- Bełch S., Domański J., Graff T., Jasudowicz T., Krzyżanowski S., Niesiołowski A., Ożóg K., Wielgus S. (2018), *Paweł Włodkowic i polska szkoła prawa międzynarodowego*, Warszawa.
- Biskup M. (1993), *Wojny Polski z Zakonem Krzyżackim (1308-1521)*, Gdańsk.
- Błaszczak A. (1997), *Ewolucja państwa. Wybór tekstów*, Warszawa.
- Bloch M. (2014), *Feudal Society*, trans. L.A. Manyon, New York.
- Bloom I., Martin J. P., Proudfoot W.L. (red.) (1996), *Religious Diversity and Human Rights*, Columbia University Press, New York.
- Brust S.J. (2012), *Retrieving a Catholic Tradition of Subjective Natural Rights from the Late Scholastic Francisco Suarez S.J.*, „Ave Maria Law Review”, no. 2, vol. 10.
- Carty A. (2017), *Philosophy of International Law*, Edinburgh.
- Connor W. (1994), *Ethno-nationalism: The Quest for Understanding*, New Jersey.
- Czartoryski P. (1970), *Nauki prawne*, w: *Historia myśli polskiej*, tom 1, Warszawa.
- Dawson Ch. (1971), *The Formation of Christendom*, London.
- Dawson Ch. (1954), *The Making of Europe: An Introduction to the History of European Unity*, Washington.
- Długosz J. (1983), *Roczniki czyli kroniki sławnego Królestwa polskiego, księga 11 (1413-1430)*, tłum. J. Mrukówna, Warszawa.
- Domański J. (2011), *Scholastyka i początki humanizmu w myśli polskiej XV wieku*, Warszawa.
- Ehrlich L. (1955), *Polski wkład prawa wojny XV wieku. Kazanie Stanisława ze Skarbimierza De bellis iustis*, Warszawa.
- Ehrlich L. (1968), *Pisma wybrane Pawła Włodkowica*, tom 1, Warszawa.
- Ehrlich L. (2017), *Paweł Włodkowic i Stanisław ze Skarbimierza*, Warszawa.
- Engerman S.L., Metzger J. (red.) (2004), *Land Rights, Ethno-Nationality, and Sovereignty in History*, London-New York.
- Fine R. (2007), *Cosmopolitanism and Human Rights*, „Law, Social Justice and Global Development Journal”, nr 1.
- Finke H. (red.) (1896-1928), *Acta Concilii Constantiensis*, tom 1-4, Münster.
- Frohnen B.P. (2012), *A Problem of Power: The Impact of Modern Sovereignty on the Rule of Law in Comparative and Historical Perspective*, „Transnational Law and Contemporary Problems”, vol. 20, no. 599.
- Frohnen B.P. (2005), *Power over the Body, Equality in the Family: Rights and Domestic Relations in Medieval Canon Law*, „The Catholic Historical Review”, 4 (91).
- Frost R. (red.) (2015), *The Oxford History of Poland-Lithuania*, vol. 1, *The Making of the Polish-Lithuanian Union, 1385-1569*, Oxford.
- Górski K. (1986), *Studia i szkice z dziejów państwa krzyżackiego*, Olsztyn.
- Hill M. (2002), *Religious Liberty and Human Rights*, University of Wales Press, Cardiff.
- Huizinga J. (1965), *Patriotyzm i nacjonalizm w dziejach Europy*, tłum. J. Woźniakowski, „Znak” nr 6 (132).
- Ihnatowicz I., Mączak A., Zientara B. (1979), *Społeczeństwo polskie od X do XX wieku*, Warszawa.
- Innes M. (2001), *State and Society in the Early Middle Ages. The Middle Rhine Valley, 400-1000*, Cambridge.

- Krapiec M.A. (1996), *Suwerenność – czyja?*, Lublin.
- Krasner S.D. (red.) (2001), *Problematic Sovereignty: Contested Rules and Political Possibilities*, New York.
- Kustra E. (1999), *Wstęp do nauki o państwie*, Toruń.
- Morrissey T.E. (2014), *Conciliarism and Church Law in the Fifteenth Century: Studies on Franciscus Zabarella and the Council of Constance*, Routledge, Abingdon, Oxon-New York.
- Muldoon J. (1979), *Popes, Lawyers, and Infidels: The Church and the Non-Christian World 1250-1550*, Philadelphia.
- Nowak A. (2014), *Dzieje Polski, tom 1, Do 1202. Skąd nasz ród*, Kraków.
- Nowak A. (2017), *Dzieje Polski, tom 3, 1340-1468 Królestwo zwycięskiego orła*, Kraków.
- Oakley F. (2005), *Natural Law, Laws of Nature, and Natural Rights. Continuity and Discontinuity in the History of Ideas*, New-York.
- Paweł Włodkovic (1968a), *Saevientibus*, tłum. L. Ehrlich, w: L. Ehrlich, *Pisma wybrane Pawła Włodkowica*, tom 1, Warszawa.
- Paweł Włodkovic (1968b), *Ad Aperiendam*, tłum. L. Ehrlich, w: L. Ehrlich, *Pisma wybrane Pawła Włodkowica*, tom 1, Warszawa.
- Paweł Włodkovic, Stanisław ze Skarbimierza, Benedykt Hesse, Mateusz z Krakowa (2018), *Prawo ludów i wojna sprawiedliwa*, red. M.A. Cichocki, A. Talarowski, Warszawa.
- Płotka M. (2016), *Filozofia jako praktyka. Myśl krakowskiego praktycyzmu w XV i XVI wieku*, Warszawa.
- Prochaska A. (1996), *Sobór w Konstancji*, Kraków.
- Samsonowicz H. (2007), *Do roku 1506*, w: *Polska na przestrzeni wieków*, red. J. Kowalczyk, Z. Stefaniak, Warszawa.
- Seidler G., Groszyk H., Malarczyk J., Pieniążek A. (1996), *Wstęp do nauki o państwie i prawie*, Lublin.
- Shinoda H. (2000), *Re-Examining Sovereignty: From Classical Theory to the Global Age*, London-New York.
- Silnicki T. (1962), *Sobory powszechne a Polska*, Warszawa.
- Skomiał J. (2014), *Aspekty prawne sporu polsko-krzyżackiego*, w: *Bellum iustum versus bellum sacrum. Uniwersalny spór w refleksji średniowiecznej. Konstancja 1414-1418*, red. Z. Rau, T. Tulejski, Toruń.
- Smith A.D. (1988), *The Ethnic Origins of Nations*, London.
- Smith A.D. (1991), *National Identity. Ethnonationalism in comparative perspective*, London.
- Smith A.D. (2008), *The Cultural Foundations of Nations. Hierarchy, Covenant and Republic*, London.
- Stanisław ze Skarbimierza, *De bellis iustis*: Rękopis Ossolińskich, nr 818, k. 127-131.
- Stanisław ze Skarbimierza (2000), *Mowy wybrane o mądrości*, red. M. Korolko, Kraków.
- Stanisław ze Skarbimierza (2018), *Kazanie o wojnie sprawiedliwej*, w: Paweł Włodkovic, Stanisław ze Skarbimierza, Benedykt Hesse, Mateusz z Krakowa, *Prawo ludów i wojna sprawiedliwa*, red. M.A. Cichocki, A. Talarowski, Warszawa.
- Strayer J.R., Tilly Ch., Jordan W.Ch. (red.) (2011), *On the Medieval Origins of the Modern State*, Princeton.
- Swieżawski S. (1990), *Eklezjologia późnośredniowieczna na rozdrożu*, Kraków.
- Szafuński A. (2009), *Inspirujący wpływ myśli Francisco de Victoria na rozwój podstawowych praw człowieka i wspólnoty międzynarodowej*, Wrocław.

- Szczech T. (2014), *Chrześcijańska idea nawracania pogan mieczem w wiekach średnich*, w: *Bellum iustum versus bellum sacrum. Uniwersalny spór w refleksji średniowiecznej. Konstancja 1414-1418*, red. Z. Rau, T. Tulejski, Toruń.
- Thiesse A.-M. (2019), *Powstanie tożsamości narodowych. Europa w wiekach XVIII-XX*, tłum. B. Losson, Warszawa.
- Tierney B. (2001), *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law 1150 1625*, Cambridge.
- Walicki A. (2009), *Naród, nacjonalizm, patriotyzm*, Kraków.
- Welsh F. (2008), *The battle for Christendom: the Council of Constance, 1415*, New York.
- Wesołowska E.A. (1997), *Paweł Włodkowic – współczesne znaczenie poglądów i dokonań*, Toruń.
- Wielgus S. (1996), *Polska średniowieczna doktryna ius gentium*, Lublin.
- Wielgus S. (2018), *Teoria ius gentium w średniowiecznej Polsce. Geneza, historia, twórcy, oryginalność, główne problemy*, w: Paweł Włodkowic, Stanisław ze Skarbimierza, Benedykt Hesse, Mateusz z Krakowa, *Paweł Włodkowic i polska szkoła prawa międzynarodowego*, Warszawa.
- Winiarski B. (1935), *Victoria i Włodkowic*, „Sprawozdanie z Czynności i Posiedzeń Polskiej Akademii Umiejętności”, nr 10 (40).
- Wyrozumski J. (2009), *Mikołaj Trąba a sobór w Konstancji*, w: *Mikołaj Trąba – mąż stanu i prymas Polski: materiały z konferencji, Sandomierz, 13 – 14 czerwca 2008 roku*, red. F. Kiryk, Kraków.
- Zientara B. (1985), *Świt narodów europejskich. Powstawanie świadomości narodowej na obszarze Europy pokarolińskiej*, Warszawa.
- Zientara B. (1989), *Wiek XIII – wielkie przemiany, obce wpływy i świadomość narodowa*, w: *Uniwersalizm i swoistość kultury polskiej*, red. J. Kłoczowski, Lublin.
- Zientara B. (1990), *Świadomość narodowa w Europie Zachodniej w średniowieczu. Powstanie i mechanizmy zjawiska*, w: *Państwo, naród, stany w świadomości wieków średnich*, red. A. Gieysztor, S. Gawlas, Warszawa.