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Juliusz Bardach as a representative of the youngest generation of the Vilnius historical-law school

At the crack of dawn of the independence of the Republic of Poland, at the beginning of the 20th century, Vilnius became, once again in its history, the university town. Within the structure of Stefan Batory University (SBU), established by order of the Head of State Józef Piłsudski in 1919, amid other institutions, the Faculty of Law and Social Sciences was settled – a unit intended to educate future lawyers, whose shortage was suffering the juvenile, forming Polish administration. The law department, at the far borderland, within a dozen years became the institutional base of the lawyers of history of law community, operating under the scientific supervision of professors Stefan Ehrenkreutz and Franciszek Bossowski. It was a milieu of scientists, but also activists present in various fields and also functioning in multiple currents of not only scientific, but also political, social and economic life. In the late 1920s and early 1930s, Ehrenkreutz and Bossowski managed to gather around them young associates – researchers of ancient Polish and Lithuanian law: Iwon Jaworski, Seweryn Wysłouch, Jan Adamus and Alina Wawrzyńczyk. At the end of the 1930s, the formation of the third and youngest generation in this environment took place. Among its representatives were: Józef Filipezyk, Wojciech Magdziak, Witold Szlagier and Juliusz Bardach.

During the interwar period in the twentieth century, this body *en bloc* undertook the effort to conduct research on the former law in force in the Grand Duchy of Lithuania. They accepted to carry out the duty of scientific work in a field as momentous as the history of the state and law, but at the same time the responsibility to perpetuate the legal legacy associated with the conduct of scientific activity in the territories of the former Grand Duchy of Lithuania. The result of the work undertaken was the research that they had begun on: Lithuanian *Statutes* (the word statutes sometimes is written *Statutes*, sometimes *statutes*, one form should be

chosen), legal and economic relations in the territories of Vilnius and Polesia,¹ the system of the Lithuanian cities, as well as the law in force in these areas during the existence of the Polish-Lithuanian Commonwealth.

Appalling events during the years of the World War II defied continuing their activities as a scientific community. Fate had dealt the last, third generation of this body, a cruel blow. For after 1945, Juliusz Bardach was the only representative of this generation to continue his scientific and research work. Judging his work, as well as his activity in the field of legal history, one cannot help noticing, in a way, the legacy of the previous generations of this body: Jan Adamus's reliable and meticulous methodological approach, Stefan Ehrenkreutz's openness and research courage, Iwo Jaworski's legal precision of language or Seweryn Wysłouch's interdisciplinary approach to the research problem. In the WWII, the youngest representative of Vilnius legal historians managed to carry their traditions to the end of the 20th century and pass them on to the next generation.

Juliusz Bardach's ties with such a difficult research discipline as history of law was not obvious. He was born on November 3 (October 21) 1914 in Odessa in the Russian Empire, in an assimilated Jewish family of Mejer and Othelia Neuding. In 1922, he and his family moved to Włodzimierz Wołyński, where they lived at Farna Street. As a child, he spoke only Russian. After the family moved to the territory of Poland, he began to learn Polish language as a part of his education at home, and in 1926/1927 he took the entrance exam for the second grade of the State Gymnasium in the town where he lived. Later, he was transferred to Dr. Mark Starer's privet gymnasium. His matriculation exam he took on 1933.

Bardach began his studies in the 1933/34 at Stefan Batory University in Vilnius. He did not manage to take his exams after the first year of study, apparently in the wake of his health problems. He did not pass the exam of the course of *Roman Private Law*. Nevertheless, he had no intention of giving up the study of law and re-enrolled for the first semester the following academic year.² He continued to struggle with health problems, however, in 1937 even took prolonged interval in studies due to nervous exhaustion combined with depressive state.³

Juliusz Bardach very quickly revealed his interest in the history of law. He was also interested in the history of the Middle Ages, which he explored in the classes of Henryk

¹ Polesie – historical region in Eastern Europe; a part of the former Grand Duchy of Lithuania.

² Lithuanian Central State Archives (LCVA), f. 175, ap. 3056, Akta osobowe Juliusza Bardacha, Podanie, c. 6.

³ LCVA, f. 175, ap. 3056, Akta osobowe Juliusza Bardacha, pismo Kliniki Chorób Nerwowych i Umysłowych Uniwersytetu Stefana Batorego, dat. Wilno, 4 czerwca 1937, c. 37.

Łowmiański. He also attended lectures of Wiktor Sukiennicki at the Scientific and Research Institute of Eastern Europe in Vilnius on legal theory, as well as colloquia on “sovietological” issues.⁴

A breakthrough for his career as a legal researcher was his participation in seminars on ancient Lithuanian law of Stefan Ehrenkreutz (the last rector of SBU) in his third year of studies. Bardach himself suggested the professor the topic of the thesis on adoption in Lithuanian law. At the time, Ehrenkreutz – the head of the Special Study of Lithuanian Law – graded the young student at four (good). A year later, however, he already granted him a very good grade in the subject of *History of ancient Polish and Lithuanian law*.⁵

In his second year as a law student, Bardach joined the group of organisers for the 6th General Congress of Polish Historians in Vilnius, which was being prepared by scholars – legal historians from Vilnius. The conference promised to be the most numerous in the annals of meetings of researchers of history. 500 participants from various communities announced their participations. The place and venues of this event was not accidental. The entire program was devoted to the issues of the Polish-Lithuanian past and history. The actual burden of organising the event fell on the scientist from Vilnius. Bardach took part in the work of section II – history of law.

During the sessions, an intergenerational discourse took place between Ehrenkreutz, the then aged 55, Jan Adamus aged 39 and Juliusz Bardach. The latter spoke in a discussion of a paper by his mentor professor Ehrenkreutz on the influence of Roman law on the content of Lithuanian *Statutes*. The budding legal historian advocated the need to undertake comparative research to reveal the actual directions of this influence by analysing legal institution in the territories adjacent to the Grand Duchy of Lithuania.

During the period of his studies, he became closer in interest to Jan Adamus, whom he had a friendly relationship. These lasted until the latter’s death in 1962. Even during his stay in Vilnius, he remained impressed by his dedication and scientific commitment.

Bardach received his master’s degree in 1939, but he had already been a person invited to meetings of the Special Study of Old Lithuanian Law headed by Stefan Ehrenkreutz and Seweryn Wysłouch. Ehrenkreutz also recognised Bardach’s interest. In 1938, the latter enabled

⁴ H. Ilgiewicz, *Instytut Naukowo-badawczy Europy Wschodniej oraz Szkoła Nauk Politycznych w Wilnie (1930-1939)*, Warszawa 2019, passim.

⁵ LCVA, f. 175, ap. 3056, Akta osobowe Juliusza Bardacha, Świadectwo, c. 31, 38.

him to publish in „Wiadomości Studium Historii Prawa Litewskiego”⁶ the journal of the Special Study, an expanded version of the study, of over a hundred pages, written as a part of the seminar classes under the title *Adoption in Lithuanian Law of the 15th and 16th century*.⁷

Bardach's interest in ancient law was genuine in nature. He undertook not only his own research, but also scrutinised studies of Lithuanian law conducted by other scholar centres, reviewing other legal-historical works of a Lithuanian nature.⁸

The Vilnius legal historian community did not have a unified political image. Its members represented different social views: conservative-monarchist (Bossowski), democratic (Adamus, Jaworski, Magdziak) through political views close to left wingers of *sanacja* (Ehrenkreutz, Wyslouch), up to the leftist views *par excellence* (Szlagier, Bardach). However, this did not matter much, for the cohesion of the environment created was its value. The strength of this community was precisely cultural complexity, the foundation of which was laid by identical scientific interests.

The study of law, by its nature, made it possible to prepare the young studying for involvement in political and social activities. A special dimension for the activity was created in Vilnius, a “politically vibrant city”,⁹ a mixture of ethnical communities in the interwar period of the 20th century. In 1929 Stefan Ehrenkreutz accepted the position of curator of the Union of Independent Socialist Youth, which was registered by the SBU authorities. The student – members of the organisation, with Ehrenkreutz's knowledge and acceptance, cooperated with the local branch of the Polish Socialist Party (PPS). Among the active members of the student organization was Juliusz Bardach, who joined the Union in his first year of study in 1933. In the same year he also gained membership in the Youth Organization of the Workers' University Society. In the fall of 1934, he was one of the organizers and moderators of a discussion meeting titled *Academics and the War*. A year later, Bardach joined the Polish Socialist Party in

⁶ J. Bardach, *Adopcja w prawie litewskim XV i XVI w.*, “Wiadomości Studium Historii Prawa Litewskiego”, vol. 1, Wilno 1938, pp. 1-92.

⁷ S. Aleksandrowicz, *Wspomnienie o profesorze Juliuszu Bardachu (3 IX 1914, Odessa - 26 I 2010, Warszawa)*, “Zapiski Historyczne” 2010, vol. LXXV, pp. 153-155; O. Filaszkiewicz, *Juliusz Bardach – wileńskie lata*, [in:] *Stefan Ehrenkreutz i historycy prawa okresu dwudziestolecia międzywojennego. W 70. Rocznicę śmierci ostatniego Rektora Uniwersytetu Stefana Batorego w Wilnie*, ed. P. Dąbrowski, D. Szpoper, Gdańsk – Olsztyn 2016, p. 87.

⁸ J. Bardach, *Loho-Sobolewski Jan, Prawo opiekuńcze w dawnej Litwie. Studia nad historią prawa polskiego*, vol. XV, c. 2, Lwów 1937, p. 193, “Wiadomości Studium Historii Prawa Litewskiego”, Wilno 1938, pp. 378-379; J. Loho-Sobolewski, *Prawo opiekuńcze w dawnej Litwie*, “Studia nad historią prawa polskiego imienia Oswalda Balzera”, vol. XV, Lwów 1937.

⁹ The concept of a „politically vibrant city” was proposed by Przemysław Dąbrowski to describe the socio-political reality of Vilnius in the interwar period; P. Dąbrowski, *Rozpolitykowane miasto. Ustrój polityczny państwa w koncepcjach polskich ugrupowań działających w Wilnie w latach 1918-1939*, Gdańsk 2012.

Vilnius and the Workers' University Society. In the fall of 1938, he became the chief editor of the Vilnius edition of "Robotnik", the journal of the PPS.¹⁰ He resigned from this position just before the start of World War II in 1939 at his own request.¹¹

Diversity in the assessment of social reality, as well as political reality, did not affect the cohesiveness of the scientific community in Vilnius. In 1935, when Stefan Ehrenkreutz was running for the Senate from the lists of *sanacja* BBWR in the Lublin district, Juliusz Bardach joined agitational actions fighting his Master's political friends. Staying in Warsaw during the election campaign period in the summer, he decided to oppose the government policy pursued by the political milieu to which Ehrenkreutz belonged. Together with the Leszek Raabe and other comrades from the Warsaw branch of the Union of Independent Socialist Youth, he decided to manifest the Polish Socialist Party's announced boycott of the upcoming elections. Under cover of darkness, they placed anti-government slogans on the walls of the buildings in the streets of Warsaw in Czerniaków quarter.¹²

The outbreak of the war scattered the community of Vilnius historians of law, who were not to all meet again in one scientific centre. Juliusz Bardach decided to stay with his family residing in Włodzimierz Wołyński.¹³ Anxiety over the denunciation by a schoolmate from the Komsomol, reported to him by his brother Janusz,¹⁴ caused him to take refuge in Lviv, hoping to survive anonymously among the war migrants. He took up employment in various positions related to labour organisations and production. During his stay in the city, he met Karol Koranyi, whom he had met several years earlier and who was then teaching legal history at Ivan Franko University, as well as Leszek Raabe, who was in Lviv. When the latter offered him underground work organised by the Polish Socialist Party in Vilnius, Bardach refused and broke off contact with his former comrade.

The Third Reich's attack on the Soviet Union tied Juliusz Bardach to military service for nearly a decade. In June 1941, he joined the Red Army, serving in the 4th Air Defence

¹⁰ Archiwum Akt Nowych (AAN), Ministerstwo Edukacji Narodowej Departament Kadr, sygn. 8129, Bardach Juliusz 1945-1985, Życiorys, p. 12; B. Szlachta, *Juliusz Bardach (1914-2010)*, [in:] *Uczni żydowskiego pochodzenia we współczesnych dziejach Uniwersytetu Jagiellońskiego*, ed. W. Kozub-Ciembroniewicz, Kraków 2014, p. 79.

¹¹ AAN, Ministerstwo Edukacji Narodowej Departament Kadr, sygn. 8129, Bardach Juliusz 1945-1985, Życiorys, p. 11.

¹² J. Topiński, *Wyniszczony oddział*, [in:] *Leszek Raabe we wspomnieniach przyjaciół*, ed. K. Dunin-Wąsowicz, Warszawa 1963, pp. 63-91.

¹³ T. Siewierski, *Juliusz Bardach (1914-2010): o lituanistycznej pasji uczonego*, [w:] *Multum, non multa. Młodzi badacze w poszukiwaniu prawdy*, ed. U. Czyżewska, T. Siewierski, R. Tabaszewski, J. Żołnierz, Lublin 2012, pp. 108-109.

¹⁴ J. Bardach, K. Gleeson, *Człowiek człowiekowi wilkiem. Przeżyłem Gulag*, Kraków 1997, p. 75.

Division. A year later he was transferred to a labour battalion in Uzbekistan. In late 1942 and early 1943, he was employed as a teacher at a Polish school in Abidjan. In 1943, he coined the First Polish Army, undertaking service in the political and educational division. He travelled the combat route to Berlin with the 1st Corps of the Polish Armed Forces in the USSR. Initially he served in the 7th Anti-Aircraft Artillery Regiment, and then as deputy commander of the 15th Anti-Aircraft Artillery Regiment. From September 1944 he was entrusted with the leadership of the Political and Educational Department in the 1st Cavalry Brigade,¹⁵ and from November of that year he served in the Main Political and Educational Board of the Polish Army.¹⁶

After the end of World War II, only some representatives of the Vilnius school of legal historians returned to their academic and research work. Stefan Ehrenkreutz died martyred by Soviets in Vilna's (one form of the city should be used over the text: should be chosen Vilnius or Vilna) Łukiszki prison, Franciszek Bossowski, imprisoned in and action against Kraków professors, died shortly after release from Sachsenhausen concentration camp, Witold Szlagier died a soldier's death in September 1939. Others, Seweryn Wysłouch, Iwon Jaworski, Alina Wawrzyńczykowa, and Jan Adamus dispersed to various academic centres taking up subjects unrelated to the law of the former Grand Duchy of Lithuania.

Juliusz Bardach sought release from the army as early as 1945. Former SBU professor Bolesław Wilanowski offered him a job at the Faculty of Law at the University of Łódź, where he was among the people who were involved in establishing the school. After being promoted to the rank of colonel, however, he was directed to continue working in the army in the Propaganda Department of the Main Political Board with the task of preparing reports on behaviour and moral among soldiers in the areas occupied by the Red Army. In 1946-1948 he was assigned to diplomatic duty. He was deployed to Moscow where he was offered a post of military attaché in Polish embassy. As part of his assignments, he established contacts in the political class of foreign representations and among members of the media. He also took care of young Polish officers studying at Soviet military universities including the general Staff Academy. Among them were future high dignitaries of the People's Polish Army: Zygmunt Duszyński, Jan Śliwiński, Włodzimierz Oliwa, Marian Graniewski and Jan Wiśniewski. After returning to the country, he remained all the time in military service. He began teaching, which

¹⁵ Archiwum Uniwersytetu Warszawskiego (AUW), Akta osobowe Juliusza Bardacha, Życiorys, dat. Warszawa, 9 grudnia 1955; M. Kozłowski, *Juliusz Bardach – kłamca katyński*, "Wojna i Pamięć", vol. 1, Warszawa 2019, p. 104; B. Szlachta, *Juliusz Bardach...*, pp. 78-80.

¹⁶ AAN, Ministerstwo Edukacji Narodowej Departament Kadr, sygn. 8129, Bardach Juliusz 1945-1985, Podanie o pracę, c. 11. E.g. in the „Smientrog” factory in Włodzimierz Wołyński, see AUW, Akta osobowe Juliusza Bardacha, Kwestionariusz osobowy, dat. Warszawa, 31 października 1953.

he carried out simultaneously as a senior lecturer at the General Staff Academy, at the Academy of Political Science in Warsaw as a deputy professor, and at the Central Planning Office.¹⁷ At the same time, he began his efforts to defend a doctoral dissertation in law. He succeeded in obtaining the degree at the Jagiellonian University. In the promotion procedure, he presented his work published in 1938 on the law of adoption in Lithuanian legislation. In 1950, he became permanently affiliated with the University of Warsaw, where the Department of Complex History of State and Law was established at the Faculty of Law. He was employed there as a contract professor. The post of the head of the institution was assumed by Bogusław Leśnodorski, with whom he became a bosom friend and united by “close scientific cooperation”. At the same time, the young doctor of legal history was entrusted with the position of pro-rector. In the 1950-1951, he also served as vice-dean of the Faculty of Law at Warsaw University. In 1952 he became a member of the Organizing Committee of the Institute of Law of the Polish Academy of Sciences appointed by the Secretariat of the Political Bureau of the Central Committee of Polish United Workers’ Party. In the mid-1950s, he received the title of the associate professor, and five years later – full professor. Parallel to his work at the university, from 1957 he ran the Institute of History of Polish Academy of Science. In 1952, Juliusz Bardach began working at the Institute for the History of Law, established at the Faculty of Law of WU, subsequently assuming its leadership in 1957. He held this position until 1969. The institute included the departments of History of Polish Law and State, General History of State and Law, Comparative History of Slavic Law and Roman Law. He also served as chairman of the Scientific Council of the unit from 1981 to 1987. In the 1950s, he joined the work conducted by the Institute of History of the Polish Academy of Science on the preparation of the five-volume work *History of the Polish State and Law*. He was also the author of its first volume covering issues up to the mid-15th century, and at the same time he was the editor of the entire work. The prepared work became the basis of an academic textbook compiled jointly with Bogusław Leśnodorski and Michał Pietrzak.¹⁸

Despite the fact that he became a person associated with the communist regime, he was able to embrace academics whose views were far from the program line of the Polish United Workers’ Party. During Stalin’s darkest night, at the turn of 1953-1954, he took a stand for the young employees of Institute of history of the Polish Academy of Science. This seems to have

¹⁷ M. Naszkowski, *Paryż – Moskwa. Wspomnienia dyplomaty (1945-1950)*, Warszawa 1986, pp. 196-197.

¹⁸ AAN, Ministerstwo Edukacji Narodowej, Departament Kadr, sygn. 8129, Bardach Juliusz 1945-1985, Pismo do dr. Juliusza Bardacha zastępcy profesora Uniwersytetu Warszawskiego, p. 22.

been shared with Stefan Ehrenkreutz's attitude from the late 1920s and early 1930s toward the milieu of Academic Left.

Juliusz Bardach also joined the process of training new staff in the judiciary in accordance with the tenets of Marxism-Leninism. In the late 1940s and early 1950s, he wrote a script for the students of Teodor Duracz Central Law School in Warsaw. Later, Bardach expanded the text into the form of a manual on the university courses. While exchanging his views on legal history textbooks being introduced at other universities, he fully respected the right of any lecturer to prepare his own study.¹⁹ In the meantime, he managed to obtain approval for his discharge from the army, as he intended to return to the world of teaching. However, his discharge in 1950 came in a special atmosphere of purging army personnel of officers considered foreign and hostile. In an opinion drafted by the head of the Personnel Department of the Ministry of Defence, Juliusz Bardach was characterized as follows: "[...] he holds right-wing PPS views". He was also attributed with "hostile statements about the Soviet Union"²⁰.

After the war, Juliusz Bardach also returned to political activity. As soon as it became possible, in July 1945, he rejoined the Polish Socialist Party, and after the unification convention in December 1948, he became a member of the Polish United Workers' Party.²¹

Considering the past events of this difficult period in his life, Juliusz Bardach was able to speak and write it critically of himself. Lecturing on the 60th anniversary of the beginning of his scientific work, he said: "I succumbed [...] to the overwhelming pressures of the eras my generation lived in, and although I sometimes have the sin of conformism to reproach myself with, after all, I tried to neutralize – as far as possible – the negative effects of actions or omissions, and silence is one of them".²²

Throughout his personal life, Juliusz Bardach's research and academic interests went in several directions. First of all, one should point out the issue of Polish parliamentarism. The results of the research work undertaken in this field were publications referring to the history of the Polish Sejm, describing the beginnings of Polish democracy, as well as the study *On the Genesis of the Polish Sejm*. A significant place in Bardach's creative work was also occupied by the history of the study of legal history with attention to Lithuanian issues of private and

¹⁹ Biblioteka Polskiej Akademii Nauk (BPAN), Materiały Stanisława Śreniowskiego, sygn. III – 270, J. Adamus, List do Stanisława Śreniowskiego, dat. Łódź, 26 lipca 1950, p. 2.

²⁰ M. Kozłowski, *Juliusz Bardach – kłamca katyński...*, p. 107.

²¹ AUW, Akta osobowe Juliusza Bardacha, Życiorys, p. 6.

²² B. Szlachta, *Juliusz Bardach...*, p. 80.

judicial law, including studies on *niedzial* and *trzecizna*, as well as outlines of the secular marriage law of historical Lithuania and mutual donation in Lithuania. Since 1970s, he has also returned to the study of the *Statutes* of Lithuania, in comparative terms, focusing on their influence on the law in force in the Crown of the Kingdom of Poland, as well as the reception of Roman law in Lithuanian jurisprudence.

Juliusz Bardach was a member of many scientific societies at home and abroad with a historical and legal profile. In particular, he valued membership in Accademia Nazionale dei Lincei in Rome, Accademia Meditteranea della Science in Catania, as well as the Société d'Histoire du Droit.

During his long teaching career, he has promoted a several of doctoral dissertations and numerous of masters of law. He participated in more than a dozen postdoctoral degree proceedings of his students. At the end of 1990s, he was awarded honorary doctor of universities in Łódź, Warsaw and Vilnius, for his life time achievements. He was the author of more than six hundred scientific publications. He enjoyed “in the circle of historical sciences a position of wise research and social authority”.

He died on January 26, 2010, in Warsaw.

In 2013, Kaunas Institute of the Grand Duchy of Lithuania established a prize named after him to be awarded to the Authors of the best master's and doctoral theses related to the problems of “the state, legal and cultural legacy of the Grand Duchy of Lithuania in the 19th-20th centuries or analysing problems related to the history of at least two countries of the lands of the former Grand Duchy of Lithuania: Belarus, Lithuania, Poland and Ukraine”.

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Summary

The article outlines a person of Juliusz Bardach with the background of the milieu of historians of law in Stefan Batory University, its generations, representatives and their academic, political

and social activity. The author analyses the profile of professor Juliusz Bardach as a representative of this community, but also it is a background to present himself as a person, his family and social position as well as his scientific activity before the II World War and after it. The author seeks to depict one of the most famous historians of law in 20th century in Poland as one of the Ehrenkreutz's students, and tries to understand the phenomenon of the milieu the latter one had created.

Key words: Juliusz Bardach, history of law, Stefan Batory University in Vilnius