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LUDWIK EHRLICH. CRACOW PERIOD OF HIS LIFE (1940-1968)

Being outstanding Polish scholar of the XXth century, representing the science of international law, Ludwik Ehrlich (1889-1968) is recognized as the author of one of the first textbooks on international law, published in the Eastern Europa, after he had released his book titled "Law of Nations" in 1927. The article has been dedicated to the Cracow period of his life, which covers the period 1940-1968. The author has reviewed main events of Ehrlich's career at the Jagiellonian University and paid attention to his relevant scientific heritage, generalizing scope of research. During Cracow period Ehrlich was focused on the history of the Polish science of international law. Assuming that the ideas of two rectors of the University of Cracow Stanislaus de Scarbimiria and Paul Vladimir were progressive for the XVth century, he tried to popularize them by re-issuing original works of both authors. It is worth taking into consideration that Ehrlich, in collaboration with J. Langrod, has prepared the list of eminent Polish scholars in the fields of international, political and administrative law estimating their contributions. The development of international relations concerning maritime spaces after the Second World War provoked the interest of the scholar in researching actual problems of the law of the seas, as he published the results of his fundamental study considering Polish science. The greatest masterpiece of his life is undoubtedly a textbook on international law (last edition dated 1958). The author has prepared the bibliography of Ehrlich including publications of Cracow period.

Keywords: Ludwik Ehrlich, the Jagiellonian University, textbook on international law.

There are plenty of prominent scholars who still remain unknown to the public. Fortunately, international lawyer *Ludwik Ehrlich* (1889–1968) is not one of them due to the efforts of Polish writers not only of the past such as Stanislaw Nahlik and Tadeusz Gorski, but also of nowadays like Adam Redzik, whose article on Diplomatic Studies at Lviv University contains a brief description of his biography². In spite of this, many details of his career and full list of bibliography are uncertain. The aim of the present research is to investigate Cracow period of Ehrlich's life which requires the completion of two tasks: the examination of the most important events and the review of published works. For the purposes of the research we have distinguished three periods of his life: the establishment of a scholar (1889–1923), Lviv period (1923–1939) and Cracow period (1940–1968).

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² A. Redzik, *Lwowska Szkoła Dyplomatyczna. Zarys historii Studium Dyplomatycznego przy Wydziale Prawa Uniwersytetu Jana Kazimierza we Lwowie*, „Polski Przegląd Dyplomatyczny” 2006, No. 5.

1. THE MOST IMPORTANT DATES OF HIS LIFE

Ehrlich was born in Ternopil on April 11, 1889. He attended the local gymnasium and entered the Faculty of Law at Jan Kazimierz University in 1907. After the graduation, he taught at Halle, Berlin and Oxford. In 1917 Ehrlich moved to the United States. He worked as a lecturer in Political Sciences at the University of California in years 1917–1920. From 1921 to 1923 Ehrlich performed duties as New York's Representation of the Polish Embassy in The United States Information Bureau chief³. Having come to Lviv, he was appointed firstly as a docent, and later as an extraordinary professor of Political Law at Jan Kazimierz University. In 1929 Ehrlich became an ordinate professor of International Law and General Science of State. One should consider that he was also elected an *ad hoc* judge of the Permanent Court of International Justice representing Poland (1927-1928). Moreover, he edited the series "Library of Political Law and International Law" including 11 volumes (1925–1937).

When the Second World War broke out, Ehrlich participated in a conference in Norway. Shortly he returned to Poland. After the United States Congress had declared war upon Germany in 1941 he was told that his life was in danger. He decided to go under an alias as Farley while working at The Bureau of Information and Propaganda of the Home Army. Despite Ehrlich had tried to skulk he was captured by German soldiers near Bilgoraj, but he did not tell them either his name or his targets under the threat of torture⁴. In the autumn of 1943 he was released from captivity by the squad of captain Tadeusz Sztumberk-Rychter (Żegota)⁵.

Upon the termination of the war Ehrlich continued his career at the Jagiellonian University. He headed the Department of International Public Law in years 1945-1960 lecturing in international public law and ancient Polish law⁶. In 1946 he initiated the establishment of the School of Political Sciences. It is worth mentioning that he had necessary experience in managing academic studies as he organized the Diplomatic Courses at Jan Kazimierz University in 1930, which were unique in Europe⁷. One of the first Ehrlich's works published in Cracow was "The Charter of the United Nations and the Statute of the International Court of Justice: Introductory Notes, Texts and Comments" (1946). In 1947 he was elected as a Corresponding Member of the Polish Academy of Arts (*Polska Akademia Umiejętności*). Even after retirement in 1961, he was still engaged in social and political activity. He took an active part in the Association for the Development of Western Territories (*Towarzystwo Rozwoju Ziem Zachodnich*), chairing Cracow Section. Ehrlich was elected to be a judge of the Permanent Arbitration Tribunal (*Stały Trybunał Rozjemczy*) in years 1958–1963. His lifetime achievement was honored by the invitation of the Hague Academy of International Law where he delivered lectures in 1962.

Ehrlich passed away at the age of 79 in Cracow on October, 31 1968. He was buried in Rakowicki Cemetery at Cracow. The huge authority of the scholar had been proved by the fact that not only the relatives were present at the funeral but also his apprentices,

³ DALO, f. 27, p. 5, spr. 2198 – Teczka osobowa Ludwika Ehrlicha.

⁴ A. Klich, *Papież i zakonnica*, „Gazeta Wyborcza” z 23–25 kwietnia 2011 r., p. 9.

⁵ T. Górski, *Prof. dr. Ludwik Ehrlich*, „Życie i Myśl” 1969, No. 2, p. 138.

⁶ *Biogramy uczonych polskich: materiały o życiu i działalności członków AU w Cracowie*, Wrocław 1983, p. 330.

⁷ L. Ehrlich, J.S. Langrod, *Zarys historii prawa narodów, prawa politycznego i administracyjnego w Polsce*, Kraków 1949, p. 18.

colleagues, students, famous figures of science and culture, the representatives of state authorities headed by Miechyslaw Klimashevski, the rector of Jagellonian University. It is worth taking into consideration that the words of goodbye were announced by the dean of the Faculty of Law Kazimierz Buchala, the head of the Department of International Law Stanislaw Nahlik and docent Marian Iwanejko⁸. Ludwik Ehrlich was awarded high Polish national honours (*Krzyż Komandorski Orderu Odrodzenia Polski*, *Order Sztandaru Pracy II klasy* and *Nagroda im. Włodzimierza Pietrzaka*).

2. A REVIEW OF EHRLICH'S WORKS PUBLISHED AFTER 1947

In the first half of the twentieth century there were hardly any special publications concerning the field of international relations as opposed to nowadays. That was the reason why his "Introduction to the Science of International Relations" (1947) became one of the first to be published in the Eastern Europe⁹. The author emphasized the importance of the difference between the science of international relations and of international law indicating a widespread belief that both sciences were similar in the minds of his uneducated coevals. As he wrote in the introduction: "The science of international relations deals with the large-scale part of human coexistence considered to be the coexistence of mankind, the coexistence of nations¹⁰". Ehrlich paid attention to the necessity of investigation international relations phenomena under different visual angles and also listed the branches of its study. He was named to be one of the founders of Polish science of international relations¹¹.

"The Outline of the History of International Law, Political Law and Administrative Law of Poland" (published in collaboration with Jerzy Stefan Langrod in 1949) was devoted to the development of Polish legal science from the very beginnings. Ehrlich prepared two parts of the book concerning international and political law preparing periodization and estimating the contribution of the most prominent scholars. He distinguished four periods in the history of Polish science of international law: XV-XVI centuries; XVII century – first three quarters of the XIXth century; last quarter of the XIXth century; XX century. The author did not explain the criteria for such classification but one can assume that the peculiarities of international law development had been taken into account. For example, at the end of the XIXth century the international community was deeply concerned about war prevention and maintenance of peace. The personalities of Julian Makowski and Zygmunt Cybichowski were mentioned by Ehrlich as distinguished Polish international lawyers of the XXth century¹². Both scholars made huge contributions to Polish legal science publishing pioneer textbooks on international law.

While working in Cracow he was interested in Polish legal history. Considered to be the most famous scholar among Ehrlich's apprentices Nahlik supposed that the atmosphere of Cracow, full of historical traditions, had been the reason for it¹³. Ehrlich was deeply engaged

⁸ T. Górski, *Prof. dr. Ludwik Ehrlich...*, p. 137.

⁹ L. Ehrlich, *Wstęp do nauki o stosunkach międzynarodowych*, Kraków 1947, p. 80.

¹⁰ *Ibidem*, p. 5.

¹¹ T. Pugaczewicz, *Dorobek badawczy i organizacyjny Ludwika Ehrlicha na tle rozwoju nauki o stosunkach międzynarodowych w Polsce do 1950 roku*, "Przeszłość – Teraźniejszość – Przyszłość. Problemy badawcze młodych politologów" 2010, pp. 142–143.

¹² L. Ehrlich, J.S. Langrod, *Zarys historii...*, pp. 17–19.

¹³ S. Nahlik, *Ludwik Ehrlich (1889-1968)*, „Państwo i Prawo” 1969, No. 2, p. 384.

in studying works of two rectors of the University of Cracow: Stanislaus de Scarbimiria (1400–1413) and Paul Vladimir (1413–1414). He argued that the Polish school of international law was founded in the XVth century in “Paweł Włodkowić i Stanisław ze Skarbimierza” (1954) and stated that both scholars had formulated “fundamental ideas of Christian and heathen states coexistence”. In 1955 he decided to reissue *De bellis iustis*, written by Stanislaus de Scarbimiria in approximately 1410, supplementing the edition with Polish translation (unfortunately, the original of the book was lost, but a copy is preserved in Wrocław). Ehrlich considered the treatise to be “the first recital of public war in the history of world literature”¹⁴. Stanislaus de Scarbimiria made an attempt to list causes, which would be regarded as justifiable for wars, e.g. the prohibition to conduct armed actions by a person independently, and tried to persuade that the aim of war was peace¹⁵.

Paul Vladimir was selected to represent Poland at the Council of Constance (1415–1417). Having examined the views expressed by Paul Vladimir at the meeting Ehrlich came to the conclusion that this medieval scholar was worth to be included in the list of “classical international lawyers with worldwide recognition”¹⁶. He emphasized the correctness of Vladimir’s ideas concerning the absence of right to conduct war against infidels in the name of conversion to Christianity. He also attached importance to similar ideas of Stanislaus de Scarbimiria considering the opinions of both writers regarding wars against infidels to be expounded earlier than the doctrine of Vittoria¹⁷. Ehrlich published three-volume collection in Latin, Polish and English which provided scholars with a large quantity of his works including *Saevientibus* (1415), *Opinio Ostiensis* (1415), *Ad aperiendam* (1416), *Iste tractatus* (1417), *Oculi* (1420), *Ad vivendum* (1421).

In addition to legal history in the course of Cracow period Ehrlich paid much attention to international maritime law. His article entitled *Law of Maritime Zones and Underwater Spaces* was published in Polish journal “Ruch Prawniczy i Ekonomiczny” (1959, №4) and later was republished as a separate work. In one of his most important books, *The Sovereignty and the Sea* (1961), he has examined the peculiarities of different types of maritime zones: territorial sea, internal waters, high seas, contiguous zone and continental shelf. There were no sole international convention including law norms considering different types of maritime zones, except for Geneva Conventions and international customs, at the time when the book was written, as the United Nations Convention on Law of the Sea was adopted only in 1982. The scholar investigated historical aspects of marine law and examined the notion of sovereignty through the lens of interstate relations regarding seas and oceans. Ehrlich participated in the 5th International Congress of Comparative Law held in Brussels in August 1958 reporting on the legal regulation of maritime spaces and continental shelf (*La réglementation juridique des espaces maritimes et de la plate-forme sous-marine*).

Among other works written by Ehrlich during this period it is necessary to mention the article William of Rennes and the beginnings of the law of war study (Guillaume de Rennes et les origines de la science du droit de la guerre) contained in the collection dedicated to the memory of professor Gilbert Gidel (1880–1958), prominent French scholar in the field of marine law (*Mélanges en l'honneur de Gilbert Gidel*). Ehrlich wrote one more article on

¹⁴ L. Ehrlich, *Międzynarodowe prawo*, Warszawa 1958, pp. 44–45.

¹⁵ L. Ehrlich, J.S. Langrod, *Zarys historii...*, p. 6.

¹⁶ S. Nahlik, *Ludwik...*, p. 384.

¹⁷ L. Ehrlich, J.S. Langrod, *Zarys historii...*, pp. 7–8.

the history of international law, *The development of international law as a science*, published in authoritative "Recueil des Cours" by the Hague Academy of International Law in 1962. He pointed out three periods in the history of international law science: the canonistic period; the period of naturalists and positivists; the period of transition¹⁸. Moreover, he tried to ground the sovereignty of Poland within Western and Southern territories arguing that there were no other states whose rights had been violated by Poland (*Suwerenność Polski na ziemiach zachodnich i północnych: zagadnienia prawne* 1962, *Suwerenność Polski na ziemiach zachodnich i północnych: zagadnienia prawa międzynarodowego* 1967). Throughout his life he was concerned with the problem of international treaties interpretation. In 1929 "L'Interprétation des Traités" was published in French, almost 30 years later "Interpretacja traktatów" (1957), based on the latter, appeared in Polish. The researcher explored theoretical basics of interpretation in international law and demonstrated how to use them in practice. Both books mentioned above were presented by Ehrlich in the time when there were no special international agreements and different approaches to interpretation were prevalent among international lawyers.

The scholar's name can be found in Polish and Ukrainian encyclopedias mainly by virtue of his textbook on international law published for the first time under the title *Law of Nations* in 1927 (Lviv). Although the work is not considered to be the first Polish textbook on international law, its role for the development of Polish legal science should not be overlooked. Along with "International Law" of Julian Makowski, Ludwik Ehrlich's work was defined as one of the most influential Polish textbooks on international law¹⁹. In the course of Cracow period the book was republished twice: in 1948 and 1958.

3. CONCLUSION

After the Second World War Ehrlich worked at the Jagiellonian University performing important duties of the chairman of the Department of International Public Law and the head of the School of Political Sciences. He represented Polish legal science at the international level lecturing at the Hague Academy of International Law and being engaged in practical reasoning as a judge of the Permanent Court of Arbitration. Considering Cracow period one may come to the conclusion that Ehrlich succeeded in academic field as well as in legal practical activity. He was also an active public figure participating in different social and political organizations, e.g. Association for the Development of Western Territories. The scope of scholar's research covered many areas: firstly, the history of Polish science of international law, including writings of Stanislaus de Scarbimiria and Paul Vladimir, secondly, the theory of contemporary international law, preparing two editions of his famous textbook, thirdly, maritime law, investigating peculiarities of different maritime zones. Moreover, Ehrlich made an attempt to write one of the first methodological books on the science of international relations in the Eastern Europe. He stood for Polish national interests Western and Southern lands and formulated the principles of international treaties interpretation presented from practical point of view. Comparing to Lviv period during his stay in Cracow the fields of research interests such as English administrative procedure law

¹⁸ L. Ehrlich, *The development of international law as a science*, "Recueil des Cours" 1962, Tome 105, pp. 173–265.

¹⁹ S. Nahlík, *Nauka prawa międzynarodowego w Polsce*, Encyklopedia prawa międzynarodowego i stosunków międzynarodowych, Warszawa 1976, pp. 207–209.

of the Middle Ages, comparative public law et al. changed, but he was still discussing most interesting problems of international law. On the basis of the research the author has prepared the bibliography of Ehrlich in chronological order (1946–1969):

| Year of publication | Original title | English translation |
|---------------------|--|--|
| 1946 | Karta Narodów Zjednoczonych wraz ze statutem Międzynarodowego Trybunału Sprawiedliwości: uwagi wstępne, teksty, komentarze | Charter of the United Nations and Statute of the International Court of Justice: Introductory Notes, Full Texts and Comments |
| 1947 | Wstęp do nauki o stosunkach międzynarodowych | Introduction to the Science of International Relations |
| 1948 | Prawo narodów | Law of Nations |
| 1949 | Zarys historii nauki prawa narodów, politycznego i administracyjnego w Polsce (z J. Langrodem) | The Outline of the History of International Law, Political Law and Administrative Law of Poland (with J. Langrod) |
| 1954 | Paweł Włodkowić i Stanisław ze Skarbimierza | Paul Vladimir and Stanislaus de Scarbimiria |
| 1955 | Polski wykład prawa wojny XV wieku; kazanie Stanisława ze Skarbimierza De bellis iustis. | Polish Outline of the XVth Century Law of War. Treatise on De Bellis Iustis, by Stanislaus de Scarbimiria |
| 1957 | Interpretacja traktatów | Interpretation of International Treaties |
| 1958 | La Réglementation Juridique des Espaces Maritimes et de la Plate-Forme Sous-Marine | Legal Regulation of Maritime Spaces and Continental Shelf |
| 1958 | Międzynarodowe prawo | International Law |
| 1959 | Prawo obszarów morskich i podmorskich | Law of Maritime Zones and Underwater Spaces |
| 1961 | Guillaume de Rennes et les origines de la science du droit de la guerre | William of Rennes and the Beginnings of the Law of War Study |
| 1961 | Suwerenność a morze w prawie międzynarodowym | The Sovereignty and the Sea |
| 1962 | Suwerenność Polski na ziemiach zachodnich i północnych: zagadnienia prawne | The Sovereignty of Poland over Western and Southern Lands. Legal Questions |
| 1963 | Rektor Paweł Włodkowić rzecznik obrony przeciw krzyżakom | Arguments of Rector Paul Vladimir in the Struggle against the Teutonic Knights |
| 1963 | The development of international law as a science | |
| 1966, 1968, 1969 | Pisma wybrane Pawła Włodkowica | Works of Paul Vladimir |
| 1967 | Suwerenność Polski na ziemiach zachodnich i północnych: zagadnienia prawa międzynarodowego | The Sovereignty of Poland over Western and Southern Lands. The Questions of International Law |

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KRAKOWSKI OKRES ŻYCIA LUDWIKA EHRLICHA (1940–1968)

Wielki polski uczony Ludwik Ehrlich (1889–1968), autor jednego z pierwszych podręczników z zakresu prawa międzynarodowego na terenach Europy Wschodniej (*Prawo narodów*, 1927), należy do najwybitniejszych międzynarodowych prawników XX wieku w Polsce. W artykule przeanalizowano Krakowski okres jego życia, czyli lata 1940–1968. Autor przedstawia najważniejsze wydarzenia w życiu L. Ehrlicha, związane z Uniwersytetem Jagiellońskim, a także koncentruje się na pracach, napisanych przez uczonego w Krakowie, wyznaczając główne kierunki badań naukowych. Podczas okresu Krakowskiego uczony interesował się przede wszystkim historią polskiej nauki prawa międzynarodowego. Oprócz badań nad dorobkiem twórczym dwóch rektorów Akademii Krakowskiej Stanisława ze Skarbimierza i Pawła Włodkowica, uważając ich poglądy za progresywne dla nauki XV stulecia, L. Ehrlich (we współautorstwie z J. Langrodem) opublikował książkę, w której szczegółowo wymienia znanych uczonych polskich prawa międzynarodowego i prawa politycznego wszystkich czasów do 1949 roku. Rozwój stosunków międzynarodowych w zakresie wykorzystania mórz i oceanów w okresie powojenny spowodował zainteresowanie uczonego prawem morza. Na początku lat 60. została napisana jedna z zasadniczych polskich prac na ten temat, jednak największym dziełem L. Ehrlicha jest podręcznik z prawa międzynarodowego, wydany ostatni raz w Krakowie w roku 1958. Autor podaje w artykule także zestawienie prac Krakowskiego okresu życia uczonego.

Słowa kluczowe: Ludwik Ehrlich, Uniwersytet Jagielloński, historia polskiej nauki podręcznik z prawa międzynarodowego.

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