

## Circulation of Knowledge about Natural Law in the Habsburg Monarchy: the Public Examinations of Zagreb Professors Vinko Kalafatić and Pavao Antun Marković\*

The paper examines the circulation of legal knowledge within the intellectual community of the Habsburg Monarchy at the end of the 18<sup>th</sup> and in the first decade of the 19<sup>th</sup> century based on a case study of Vinko Kalafatić and Pavao Antun Marković, law professors in Zagreb. The primary focus will be placed on the detection of certain shared components of knowledge, such as ideas, within the propaedeutic literature written by these two professors on the topic of natural law. Furthermore, it aims to evaluate possible modifications of knowledge that occurred in the process of knowledge circulation. Apart from highlighting the relevant topics within the field of natural, general public law and the law of nations which are discussed in this body of legal literature, the article introduces the heuristic concept of *distant reading* to the historical inquiry. This approach utilizes the historian's access to digital text analysis tools in order to discern textual features that are otherwise inaccessible but nonetheless vital for the detection of more subtle evidence of knowledge circulation.

### *Introduction*

Contemporary research into the fields of intellectual history and the history of knowledge has shown that modern political and national boundaries rarely correspond to those of pre-modern historical intellectual movements and geographies of knowledge. As a result of paradigmatic shifts in social science and the humanities over the last fifty years, these views were articulated in emerging new sub-disciplines in the field of historical research. The epistemological impact of these sub-disciplines, such as *histoire croisée* and *entangled history*, on defining, tracking and understanding knowledge as a historical phenomenon enforces the paradigm of the translocal and transcultural character of knowled-

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ge, rather than its embeddedness within the frameworks of isolated intellectual communities.<sup>1</sup> Moreover, the comparative approach which evaluates reception of cultural content in terms of the convergence and divergence of the source of such content becomes unsuitable in light of the growing importance of cultural exchange and communication.<sup>2</sup> As a part of this theoretical framework, the idea that knowledge circulates among agents and within open intellectual communities rather than being unilaterally dispersed from centre to periphery emphasizes the relevance of constant modification and evolution of knowledge as an intrinsic component of intellectual exchange.<sup>3</sup> Knowledge circulation has taken a central role in recent studies. It questions the unilateral nature of cultural transfers but does not imply that all knowledge was equally accessible to all agents or distributed with the same intensity.<sup>4</sup> Rather, a multitude of aspects of knowledge come into play when its circulation becomes a focal point. It is not only the creation, reception, modification, or even fabrication of knowledge that become relevant to an understanding of these phenomena, but also organisations such as institutions and written media such as books that begin to exemplify sites where knowledge circulation appears in its subtle forms. A shift from a biographical approach with intellectuals and other agents in the focus revealed these sites as relevant aspects and active entities which operate and dictate the circulation of knowledge.<sup>5</sup>

While the aim of this paper is to embrace the paradigms shaping the discourse of knowledge circulation, it will also question the presumably strong influence that the Viennese intellectual centre had on the (semi-)peripheral intellectual community in Zagreb. As this research focuses on the legal literature related to the field of natural and general public law and the law of nations, the works by professors who taught this legal discipline at the Royal Academy of Sciences in Zagreb (1776-1850) will be investigated as sites where shared knowledge components, such as ideas, can be detected. As sites of knowledge circulation, the three printed public examinations, supervised by Vinko Kalafatić (1747-1792) and Pavao Antun Marković (1758-1832), professors at the Zagreb Academy, are texts that represent the legal knowledge which the professors acquired during their academic careers and which they saw

<sup>1</sup> ELWERT 2016: 2. Among many the practical and epistemic implications of *histoire croisée* and *entangled history* for the field of historical inquiry, perhaps the most important is the emphasis on the transitive character of historical entities and their interdependent status. For further reading, see: WERNER and ZIMMERMANN, 2006.

<sup>2</sup> ŠTEFANOVA 2014: 31.

<sup>3</sup> SARASIN 2011: 165-166. A book by Kapil RAJ, *Relocating Modern Science: Circulation and the Construction of Knowledge in South Asia and Europe, 1650-1900* is considered a seminal work in this field, see: BLAŽEVIĆ 2016: 449.

<sup>4</sup> ÖSTLING, LARSSON HEIDENBLAD, SANDMO, NILSSON HAMMAR and NORDBERG 2018: 18-20; SAPIRO, SANTORO and BAERT 2020: 2.

<sup>5</sup> JORDHEIM 2018: 232.

as applicable to dissemination among students of the Faculty of Law. *Tentamen publicum ex jure naturali hominis et civitatis* by Kalafatić was the first published public examination at the Zagreb Academy in the field of natural law, and served as study material for two students, Josip Skenderlić and Ivan Nepomuk Lovinčić,<sup>6</sup> who took it in 1784. Similarly, two copies of Marković's *Tentamen publicum ex jure naturali*, printed in 1805 and 1809, were used by two students each, Alto Rok and Ladislav Sučić<sup>7</sup> and Sigmund Fodroczy and Ludovik Jelačić,<sup>8</sup> respectively. Jelačić even obtained his doctoral degree at the University of Pest in 1811 and held the Chair for Political and Cameral Sciences at the Faculty of Law in Zagreb from 1812 to 1824.<sup>9</sup> While these texts included both professors and students in the process of knowledge circulation, the main aim of this paper is to locate the intellectual influences which shaped the writings by Kalafatić and Marković and to examine the possibility of tracing modifications of legal content within their texts.

Circulation between the texts written for the purposes of legal education at Habsburg universities in the latter half of the 18<sup>th</sup> century, and the texts produced by authors in Zagreb will provide new insight into the seemingly strict institutional framework that sought to imply unilateral dispersion of intellectual material from the centre to the periphery. As we shall see, modifications of this legal knowledge occurred nonetheless in printed texts. These were published, distributed to students of law and recognized within the academic community, which had deep implications for the changing character of knowledge circulating among the Habsburg intellectuals of that period.

#### *Natural law, Habsburg University Reform and the Professors at the Academy in Zagreb*

The expanding influence of the (proto-)modernising state and the central authorities opened the possibility for reformist policy which widely redefined the boundaries of political power. Starting in the second decade of Maria Theresa's reign (1740-1780), the state emerged as a mediator and the main driving force of change in various public spheres, particularly education. Significantly, the reforms initiated in the educational sphere began with the reform of the University of Vienna in the 1750s. In accordance with the enlightenment policies of the Habsburg

<sup>6</sup> KALAFATIĆ 1784: 1. The material is a part of Manuscripts and Old Books Collection of the National and University Library in Zagreb under the signature: R II F-80-1593.

<sup>7</sup> MARKOVIĆ 1805: 2. The material is a part of Manuscripts and Old Books Collection of the National and University Library in Zagreb under the signature R II F-80-1612/adl. 2.

<sup>8</sup> MARKOVIĆ 1809: 2. The material is a part of Manuscripts and Old Books Collection of the National and University Library in Zagreb under the signature R II F-80-1612/adl. 18.

<sup>9</sup> ŠVOGER 2005: 1.

court, the reforms was implemented by the educated elite and professionals in specific academic fields. This was meant to ensure that the new curricula would correspond to the needs of the state which, in the field of legal disciplines, sought to legitimize absolutist authority at the theoretical level. On the other hand, it also introduced more practical forms of legal knowledge stemming from cameralist ideas, primarily serving to equip students with practical knowledge on politics, public administration and economics and turn them into a class of subjects in whom the new (proto-)modern state saw the future foundation of its bureaucracy.<sup>10</sup>

Although the legal subjects incorporated into the higher education system of the Habsburg Monarchy began to incorporate multiple fields of knowledge, natural law, combined with the general public law and the law of nations, retained its position at the top of the hierarchy of legal disciplines. The historical source of this legal conjuncture may be traced to Antiquity and political expansion by the Roman Republic over other nations. As the practical issue of mediation between Roman citizens and subjugated peoples who did not enjoy the same legal status could not be resolved within the framework of Roman civil law, the jurists of the republican era sought to resolve it by referring to the laws of nature, thus tying it to the law of nations.<sup>11</sup> However, as a legal branch that was taught at Habsburg universities for a century between the 1750s and 1850s, natural law, general public law and the law of nations grew out of the philosophical and theological search for the origins of positive legal systems. At least since Hugo Grotius published his work *De iure belli ac pacis* (On the Law of War and Peace) in 1625, the source of all positive law was sought in fundamental natural laws.<sup>12</sup> This field of legal inquiry aimed to bridge the gap between the natural, primordial state of humankind and contemporary forms of the absolutist state complicated with layers of legal traditions.<sup>13</sup> Development in this field of thought resulted in manifold views on questions central to the legal inquiry into the origins of law and the legitimation of the contemporary legal foundation of the absolutist state.

Such circumstances called for a unified view on the matter among the Habsburg intellectuals in order for it to become compatible with the curriculum at the newly reorganized University of Vienna. The work that would define the teachings at faculties of law throughout the Monarchy on natural law, general public law and the law of nations was written in 1762 by the first professor of that chair in Vienna, Karl Anton von Martini (1726-1800) under the title *De lege naturali*

<sup>10</sup> Croatian historiography has recently developed a wider interest in these topics and the implications of educational reforms to the emergence of a (proto-)modern state in Croatia. See: HORBEC 2009: 1013; HORBEC 2018: 15, 214; ŠVOGER 2020: 69-70.

<sup>11</sup> STEIN 2007: 20-22.

<sup>12</sup> VOLTELINI 1910: 68.

<sup>13</sup> BRUNNER, CONZE, KOSSELECK 1993: 278; SCHRÖDER 2019: 132-135.

*positiones in usum auditorii vindobonensis* (Positions on Natural Law for Use by Viennese Auditors).<sup>14</sup> Martini's legal thought was mainly influenced by German jurist Samuel von Pufendorf (1632-1694), whose work focused on legitimizing natural law as the source of all norms that ordered social obligations and duties, and German philosopher and jurist Christian Thomasius (1655-1728), who elaborated the relationship between morality and law.<sup>15</sup> Another major influence on Martini was German philosopher Christian Wolff (1679-1754), who introduced the formal definition of human obligations as deriving from natural law and being mathematically provable.<sup>16</sup> Martini used their texts extensively to compile his own work on natural law. However, he introduced a historical dimension to the investigation of natural law, incorporating an empirical method developed by the reformer of the Prussian judiciary and German jurist Samuel von Cocceji (1679-1755) with which he observed Roman law with respect to its origins. For Martini, Holy Scripture represented the oldest source of natural laws, which not only positioned him as a Catholic apologist, but also implied a form of proto-historicism present in his work.<sup>17</sup>

With the intention of expanding educational reforms into the Hungarian part of the empire, the importance of Martini's textbook increased, because it was the only propaedeutic material explicitly prescribed for this field of legal knowledge in the main document which provided guidelines for the general reform of the Hungarian school system: *Ratio educationis totiusque rei literariae per regnum Hungariae et provincias eidem adnexas* (The System of Education and General Schooling for the Kingdom of Hungary and the Attached Provinces) published in 1777.<sup>18</sup> In the chapter that defined the scope and content for the law faculties at the royal academies of sciences in Hungary, which presented a higher educational institution just below universities in status,<sup>19</sup> learning materials were also prescribed for certain areas of legal training. Martini's legal doctrine stood out as the only learning material to be consulted by professors serving in departments of natural law, general public law and the law of nations. It was to be used as the

<sup>14</sup> MARTINI 1762.

<sup>15</sup> BRUNNER, CONZE, KOSSELECK 1993: 290-292.

<sup>16</sup> KLEIN-BRUCKSCHWAIGER 1954: 375; 379.

<sup>17</sup> KLEIN-BRUCKSCHWAIGER 1954: 378-380.

<sup>18</sup> *Ratio educationis* 1777: Sectio IV, Cap. VI, 332-334.

<sup>19</sup> There were five such academies in the Hungarian Kingdom in the period between 1777 and 1850 in Győr, Nagyszombat, Kassa, Nagyvárad and Zagreb. See: SZILÁRD TAR 2017: 222. Unlike the first four academies, the Royal Academy in Zagreb was under the supervision of the High Administration of the Zagreb School District, which regulated schooling for the entire territory of the Kingdom of Croatia and Slavonia. These academies had three faculties: Philosophy, Theology and Law, but the Faculty of Theology was soon abolished by Joseph II.

sole legal source in such a department, even if the professor sought to examine other fields of legal inquiry, such as Hungarian public law, political science or ecclesiastical law.<sup>20</sup>

Although the Academy in Zagreb was established a year prior to the publication of the *Ratio educationis*, its founding document, the *Mandate* of Maria Theresa from the 5<sup>th</sup> of August 1776,<sup>21</sup> defined the structure of its faculties and chairs identically to that prescribed by the *Ratio educationis*. The first professor to teach at the Chair for the Natural Law, General Public Law and the Law of Nations in Zagreb was Vinko Kalafatić, a secular priest of the Zagreb Diocese, who obtained his doctorate in theology and ecclesiastical law at the University of Vienna.<sup>22</sup> It should be stated that, although his appointment to that post in terms of his vocational training was not unusual in the years following the educational system reform in Hungary, his theological education probably shaped his views on legal knowledge in a vein that was more independent from Martini's thought. As a result of certain frictions with his colleagues,<sup>23</sup> but probably also due to further reforms implemented in 1784 under Joseph II (1765-1790) which removed the Faculty of Theology and Chair of Ecclesiastical Law from the Hungarian Royal Academies of Sciences, he ended his teaching career that same year, taking the post of pastor in Pokupsko.

His successor as professor at the chair in Zagreb was Pavao Antun Marković, a young and talented jurist, who obtained his doctorate at the reformed Law Faculty in Budapest in 1783, where he embraced the teachings of Martini and propagated them in his subsequent career.<sup>24</sup> Marković taught in at the Zagreb Academy from 1785 to 1812, when he transferred to a more prestigious post as dean of the Law Faculty in Budapest – the same university at which he obtained his doctorate almost thirty years earlier – even becoming the rector of the only university in Hungary at that time in 1825.<sup>25</sup> While both Kalafatić and Marković taught according to

<sup>20</sup> *Ratio educationis 1777: Sectio IV, Cap. VI, 334.* “Institutioni huic primo curriculi Juridici (...), ita ut semestri primo Jus Naturae, publicum Universale, ac Gentium juxta *Positiones Cl. Martini*.”

<sup>21</sup> Croatian historians analysed this document and its implications for the establishment and functioning of the Zagreb Academy. See: KLAJIĆ 1912; ŠIDAK 1969; PAVIĆ 1996-1997; DOBRONIĆ 2004; ČEPULO 2013. There were three Faculties at the Royal Academy of Sciences in Zagreb: The Philosophy Faculty lasted two years and equipped students with a preparatory educational level for enrolment at the Theology Faculty or the Law Faculty, both of which had a two-year curriculum.

<sup>22</sup> PAVIĆ 1996: 191; SHEK BRNARDIĆ 2000: 335.

<sup>23</sup> This aspect of Kalafatić's career was pointed out by Teodora Shek Brnardić. See: SHEK BRNARDIĆ 2000: 336.

<sup>24</sup> SZABADFALVI 2010: 341.

<sup>25</sup> FEJÉR 1835: 137, 140.

the same framework incorporated by the *Ratio educationis* into Hungarian higher educational institutions and were expected to rely primarily on Martini's writings when disseminating legal knowledge to students, the question of modification and circulation of this type of knowledge remains to be investigated within another sphere of professorial activity, that of publishing propaedeutic materials which supplemented public examinations at the Academy in Zagreb.<sup>26</sup>

### *Distant Reading in the Search for Legal Knowledge in Tentamina*

Apart from several textbooks published by the professors who succeeded Kalafatić and Marković at the chair in the focus of this research, most of the printed works in Zagreb pertaining to the legal sciences were materials supplementing the public examinations that reflected the professor's instruction during the academic course. Whether supervised by the professor,<sup>27</sup> or directly derived *from the lectures*<sup>28</sup> delivered at the Academy of Sciences, these texts were usually called *tentamen publicum*, meaning public probation or, simply, examination. Some of the central ideas pertinent to the field of natural law, general public law and the law of nations were covered in these writings and reveal how Kalafatić and Marković manoeuvred between the curricular framework and their own views.

One of the focal points in this field of legal knowledge since the early Enlightenment, where diverse views shaped intellectual discourse, was the question of divine intervention into human morality and, consequently, the first forms of law. As expected, this topic was covered in lectures delivered at the Academy in Zagreb and was present in all written public examinations by these two professors. For Martini, the divine role expressed itself in the foundations of the natural world.<sup>29</sup> He further elaborated that natural laws also derived from God, which was supported by the argument that since all of nature depended upon God, so too was natural law, unlike positive law, divine in origin.<sup>30</sup> This view was supposed to form the basis of the professor's lectures according to the *Ratio educationis* and

<sup>26</sup> There are only two such extant works by V. Kalafatić, only one dealing with natural law, and at least twelve by P. A. Marković. For the purposes of this research, these works had to be digitized and made suitable for analysis with digital tools, with just two of Marković's public examinations done so far. Further research will incorporate the rest of the examinations by Marković.

<sup>27</sup> See: KALAFATIĆ 1784: 2. *The public examination in natural law of man and state law* was defended *sub praesidio Admodum Reverendi, ac. Clarissimi Domini Vincentii Kalafatich.*

<sup>28</sup> See: MARKOVIĆ 1809: 1. *The public examination in natural law* which was taught in the first semester at the Royal Academy in Zagreb *ex praelectionibus Paul. Ant. Markovich.*

<sup>29</sup> MARTINI 1762: Cap I, 2. "Ex his patet, cur Deus, qui omnia nasci fecit, natura naturans, & mundus, qui vim sibi a Deo tributam innumeris exserit modis, natura naturata nominetur."

<sup>30</sup> Ibid: Cap I, 18. "Natura omnis a DEO pendet, itaque lex naturalis est etiam divina; positiva vero vel divina vel humana."

serve as the main source for the public examinations held at the Zagreb Academy. Although similar in content to Martini's view, the formulation of this argument is different in the only remaining *tentamen* on natural law, general public, and the law of nations by Vinko Kalafatić, and emphasizes the fundamentality of natural law by stating that neither human will, wisdom nor divine providence can allow us to doubt natural law.<sup>31</sup> The motives for reformulating Martini's positions on this topic by Kalafatić in his *tentamen* may vary in origin. At this point it is not possible to argue if his formulation on the divine role was chosen to deliberately modify or neglect Martini's ideas, or if it was an innocent attempt to paraphrase his work due to the genre characteristics of shorter *tentamen*. On the other hand, Marković, much like Martini, did not include human will or wisdom as a driving force behind the creation of natural laws in any of his texts, although he did paraphrase the idea that natural laws have their origin solely in divine wisdom, showing originality in his writing and modifying Martini's original teachings.<sup>32</sup>

The selected example serves to illustrate that the professors at the Academy in Zagreb were able to introduce alternative formulations about the central topic of the divine role through their publishing activities, which addresses the possibility that this body of legal knowledge was being modified at higher educational levels, even though a well-defined curricular framework existed. However, while detecting the individual topics and ideas which can be traced in these writings may prove to be a legitimate approach to historical inquiry on intellectual exchange, traces of knowledge circulation may also be found in the textual characteristics of the professor's works and reveal their focus on relevant ideas within the structure of these texts. This approach is a part of the heuristic concept of *distant reading*,<sup>33</sup> which seeks to utilize digital text analysis in order to uncover the morphological and quantitative features of works. In an attempt to further our understanding of intellectual exchange, it serves to supplement the comparative approach to evaluating written material by revealing a concentration of interest in various ideas and topics. Through a quantitative analysis of such units, some of the previously obscured characteristics of knowledge circulation and production can become visible, primarily as tangible evidence for an intellectual focus on certain issues and dominant ideas.<sup>34</sup> Therefore, *dis-*

<sup>31</sup> KALAFATIĆ 1784: 3. "Et Natura voluntatis humanae bonum necessario appetentis, malum autem aversantis, et Sapientia, providentiaque Divina de naturalibus, iisdemque moralibus obligationibus dubitare nos non sinunt, exstant ergo Leges Naturales."

<sup>32</sup> MARKOVIĆ 1805: 4-5. "Nobis fines rerum creatarum, a Deo conditarum, quatenus, ex ipsa earum essentia, atque natura intelligi, et actionibus nostris liberis applicari possunt, praeplacent."

<sup>33</sup> The concept was first developed in the field of literary theory by Franco Moretti. See: MORETTI 2013: 47-49.

<sup>34</sup> A case study on the intellectual community in Halle in the Enlightenment period has shown how this approach supplements the individual approach to written works. See: PURSCHWITZ 2018: 126-131.



*tant reading* is a model that “allows you to see the underlying structures of a complex object. It’s like an X-ray.”<sup>35</sup>

For the purpose of this case study, this method will be used to exemplify how a thesis on modification of knowledge can be further evaluated by digital text analysis. Namely, the previously analysed topic of the divine role for the formation of natural law will be examined with regard to its quantitative representation in the structure of texts by Kalafatić, Marković and Martini. A possible obstacle in this attempt is the question of genre difference. Namely, the *tentamen publicum* is a relatively short, three to four thousand word propaedeutic text, divided into articles consisting of up to three sentences covering relevant topics in the tripartite field of natural law, general public law and the law of nations. On the other hand, Martini’s textbook is around ten times longer and, although it is also divided into articles, they tend to be longer than those of *tentamen publicum*. However, proportional interest in the areas of this legal field is shared by all three authors, which allows us to compare the incidence of the divine in the structure of their texts represented by the word *deus* in all grammatical forms that appear in the texts (Fig. 1, 2, 3).<sup>36</sup>

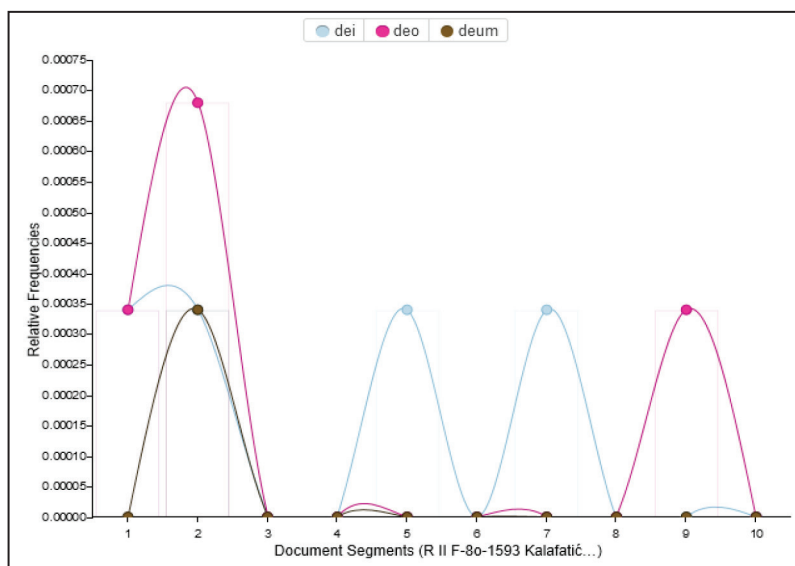


Fig. 1. The term *deus* in *Tentamen publicum* (1784) by Kalafatić<sup>37</sup>

<sup>35</sup> MORETTI 2011: 4.

<sup>36</sup> Software used for visualization and digital text analysis: Voyant tools (<https://voyant-tools.org/>).

<sup>37</sup> This graph represents the incidence of the term *deus* in all of its grammatical forms in the text by V. Kalafatić. The horizontal axis shows the length of the text divided into 10 sections. The vertical axis represents the relative frequency of the word in the text segment.

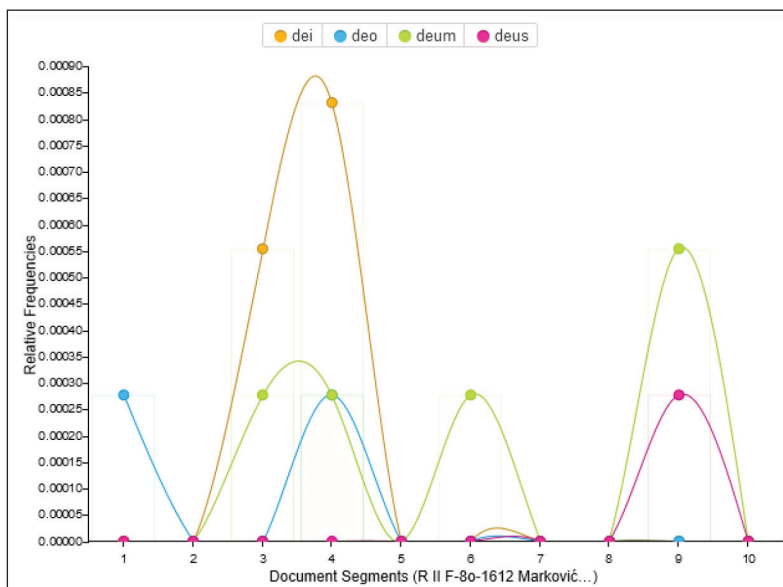


Fig. 2 The term *deus* in *Tentamen publicum* (1805) by Marković<sup>38</sup>

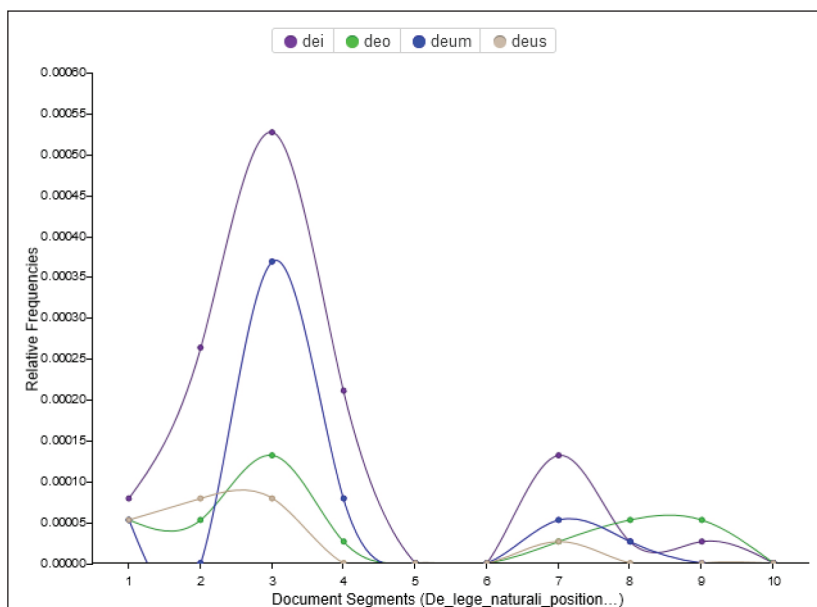


Fig. 3. The term *deus* in *De lege naturali positiones* by Martini<sup>39</sup>

<sup>38</sup> See footnote 37.

<sup>39</sup> See footnote 37.

The textual analysis of the works represented in these graphs by the three authors has revealed that they all concentrated on the topic of the divine role in the formation of natural laws in the first several sections of their works. It is necessary to note that the sections are the result of the text analyser's function and constitute a division into ten textual units of equal length, rather than the original structure of the works. Nonetheless, there are noticeable deviations between the writings, as Kalafatić focused on that topic earlier in his text, namely in sections 1 and 2, while in the case of Marković and Martini they mainly correspond through sections 2, 3, and 4. The implication of such a discrepancy to the knowledge presented by these three authors is that Kalafatić demonstrated that his inquiry on the topic in question was more independent than that presented by Marković in relation to Martini's approach. By contrast to what has been shown in the earlier analysis on explicit differences between the author's formulations on the origins of natural laws, these graphs provide insight into variations in a more general approach to the legal subject at hand, illuminating the ways in which their works were structured by extracting the relevant information on textual characteristics through the concept of *distant reading*.

While the form of the *Tentamen publicum* remained the same throughout the period between 1776 and 1850<sup>40</sup> which, given that the subsequent professors published at least fifty more of these short works, puts them in the category of a serial edition, the possibility of detecting the circulation of knowledge in a diachronic perspective should be investigated. Since it has already been noted that the legal teachings of Martini were treated differently by Kalafatić and Marković, the following analysis will reveal their attitude to the third part of the disciplinary field they had to investigate, the law of nations. The *distant reading* here incorporates extraction of key terms in the grammatical form in which they appear in these texts. Apart from focusing on the term used for nation, *gens*, the authors usually linked war, *bellum*, and defence, or *defensio*, to the notion of the law of nations. Similar to the previous analysis, the following graphs reveal the use of the related terms within the structure of Kalafatić's and Marković's texts (**Fig. 4, 5**).

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<sup>40</sup> The period in which the Chair for Natural Law, General Public and the Law of Nations functioned at the Royal Academy of Sciences in Zagreb. During the reforms introduced by Minister Leo Thun, the Academy was dissolved on 10 October 1850 and its Faculty of Law was transformed into the Legal Sciences Academy in Zagreb. See: ŠVOGER 2020: 80.

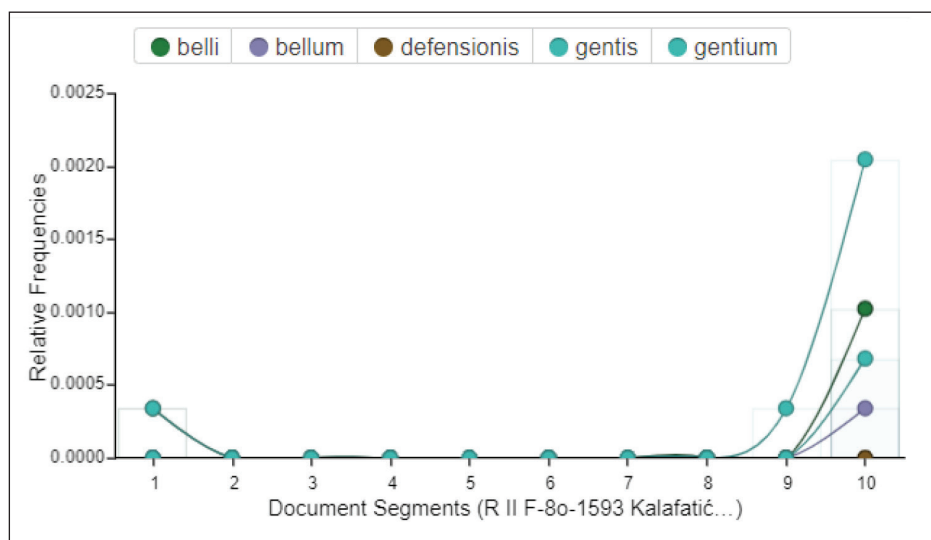


Fig. 4. The terms *bellum*, *defensio* and *gens* in *Tentamen publicum* (1784) by Kalafatić<sup>41</sup>

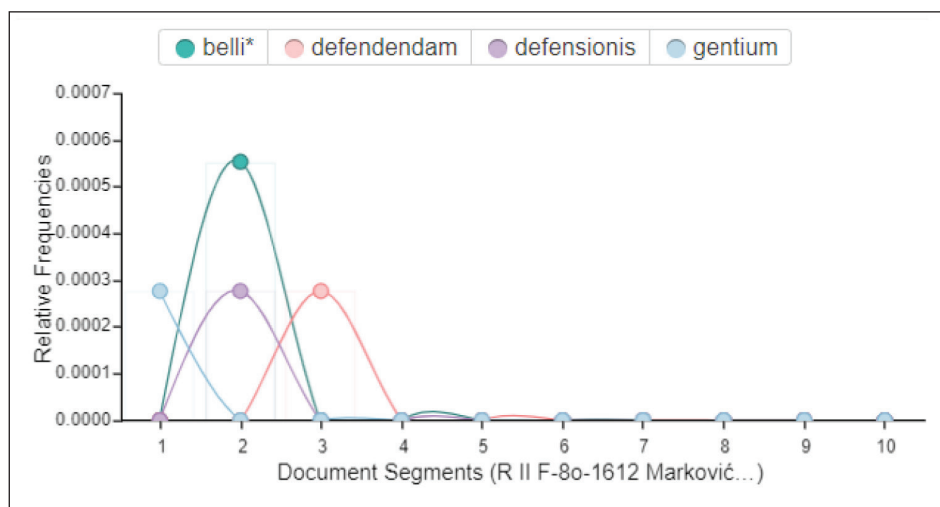


Fig. 5. The terms *bellum*, *defensio* and *gens* in *Tentamen publicum* (1805) by Marković<sup>42</sup>

<sup>41</sup> See footnote 37.

<sup>42</sup> See footnote 37.

The presented graphs clearly reveal that interest in the law of nations within these published texts differs to a great extent. While Kalafatić focused on this subject at the very end of his *Tentamen publicum*, Marković discussed it at the beginning. This difference between methodological choices by these two authors when structuring their texts testifies to the diversity of professional views on some of the central ideas and their place in academic texts. Furthermore, it implies a rather independent attitude by the professors at the Academy toward the curricular material and noticeable variations in attitudes on legal topics, despite the apparent closed nature of intellectual leeway due to firmly set legal guidelines in the academic sphere. Although the *Tentamen publicum* presented a type of serial publication, the *distant reading* of this published legal material does not demonstrate very convincing arguments that subsequent professors relied exclusively on the writings of their peers, but rather aimed to modify knowledge, particularly when it came to dealing with specific subjects such as the law of nations.

### *Conclusion*

The result of the presented textual analysis opens the question of the possibility that the professors at the Academy in Zagreb performed modifications of the learning material prescribed by the *Ratio educationis* in their legal texts. The differences between the approaches to certain legal topics between Kalafatić and Marković imply that rearrangements of ideas within the field of natural law existed in the structure of legal texts despite a very clear curricular framework. Along with the – deliberate or not – paraphrasing of the postulates of legal authorities, the case of Kalafatić, as well as that of Marković, shows that the modification of knowledge occurred in the process of its circulation and that a unilateral approach wherein the professors at the Academy in Zagreb would be evaluated only as recipients of knowledge may no longer be sufficient. Unlike the deep analysis of textual content provided through a process of *close reading*, which would result in an analysis of change within the content of circulatory ideas, the approach in this paper attempts to settle these ideas within the textual structure and to outline modifications which appear as a result of the changing interest for legal topics. If this approach to the questions of intellectual exchange and knowledge circulation in the academic field of natural law, general public law and the law of nations is to bring new historiographic insight, the foundation of legal texts should be expanded for further research and the digital tools better adapted to the needs of similar analysis. For now, a glimpse into the possibility of supplementing the historical method with new heuristic tools such as *distant reading* seems promising, especially for the field of knowledge circulation.

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### Cirkulacija prirodno-pravnog znanja u Habsburškoj Monarhiji: javni ispiti zagrebačkih profesora Vinka Kalafatića i Pavla Antuna Markovića

U radu se analizira cirkulacija pravnog znanja u akademskim krugovima Habsburške Monarhije na kraju 18. i početku 19. stoljeća na primjeru pravnika Vinka Kalafatića i Pavla Antuna Markovića, prvih profesora na Katedri za prirodno, opće javno i međunarodno pravo na Kraljevskoj akademiji znanosti u Zagrebu. Istraživački fokus rada smješta se na radove navedenih profesora i analizu njihovog sadržaja, osobito na modifikacije ideja unutar propedeutičke literature, u prvom redu tiskanih ispitnih materijala, uobičajeno naslovljenih *Tentamen publicum*. Nadalje, uočavanjem sličnosti i razlika u strukturi njihovih tekstova, upućuje se na mogućnost detekcije cirkulacije znanja putem kvantitativne analize podataka pomoću alata za digitalnu obradu teksta. Takav pristup rezultat je metodološkog modela čitanja "iz daljine", kojim se nastoji ukazati na važnost strukturalne i pojmovne analize izvornih tekstova u svrhu detekcije modifikacija pravnih spoznaja nastalih autorskim odabirom u procesu cirkulacije znanja.

*Ključne riječi:* Vinko Kalafatić, Pavao Antun Marković, pravno znanje, Kraljevska akademija znanosti u Zagrebu, cirkulacija znanja, čitanje 'iz daljine'

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Zrinko Novosel, M.A.  
Croatian Institute of History  
Opatička 10  
10000 Zagreb  
e-mail: zrinko.novosel@gmail.com



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