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International Memorial Course Marko Petrak – Roman Legal Tradition and Contemporary Legal Systems (Dubrovnik, October 16–18, 2023)

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Thanks to the involvement of organisers of the Dubrovnik conference¹ – Tomislav Karlović and Henrik-Riko Held (University of Zagreb) – and the presence of numerous Roman law enthusiasts from across Europe, a unique commemoration of the remarkable figure of late Professor Marko Petrak (1972–2022), who passed away over a year ago², was achieved. The event was attended by a group of close colleagues of Professor Petrak, alongside a gathering of young legal cadets with a keen interest in Roman law and the academic contributions of the renowned Croatian scholar. His ideas and passions provided a consistent underpinning for each lecture presented throughout the occasion.

The first day was dedicated to methods and forms of teaching Roman law. Franciszek Longchamps de Bériér (Jagiellonian University in Kraków) delivered the opening lecture, in which he clarified the convoluted past of Nicolaus Copernicus. He pondered what it means to be a lawyer and why we do not associate Copernicus with one to underline the universality of legal study. A following lecture by Janez Kranjc (University of Ljubljana) focused on the impediments of teaching Roman law in the age of artificial

¹ For the event website see: <https://iuc.hr/programme/1814> (accessed: 7.11.2023).

² Karlović, Tomislav. “In memoriam Marko Petrak (11 April 1972 – 17 January 2022)”. *Revue internationale des droits de l’antiquité* 69 (2022): 13–8.

intelligence. Although the problem stems from modern technology, the speaker argued that the solution should be sought primarily in Roman legal studies — by interpretation in accordance with societal needs and circumstances. Nikol Žiha (University of Osijek) then demonstrated new techniques, which could be used in teaching Roman law on an academic level. Moreover, she delineated the moral significance of education as, even though universities own no right to impose values, they are obliged to create an environment that helps students realise the consequences that human actions have and decide for themselves. It was proven that the value education is crucial in teaching law and that the artificial intelligence cannot replace it. Consecutively, Pierangelo Buongiorno (University of Macerata) delivered a presentation on the semantic enquiry of the phrase *in re praesenti* in Roman legal and extralegal texts. He demonstrated a sophisticated and prominent methodology, which depended solely on primary sources to conclude that *in re praesenti* has become a fundament for constructing a concrete verdict in semantic usage. Penultimate speaker Silvia Schiavo (University of Ferrara) considered the concept of ingratitude with the critical question: was gratitude legally binding, or was it only a mask for doing an obligation? Gratitude laid as the basis for *patronus* freeing through *manumissio* one of his slaves, as otherwise *accusatio ingrati liberti* would revert the freedman to a status of a slave. The closing lecturer of the first day was Tommaso Beggio (University of Trento), who described the scientific heritage of Ludwig Mitteis (1859–1921) and, more precisely, focused on two perspectives of discovering and understanding Roman law. Beggio demonstrated a chronological development of historical and dogmatic approaches and how Mitteis insisted on using a comparative method as the suitable one to study Roman law.

The second day of sessions was devoted entirely to Roman legal issues – commenced with a presentation by Enrico Sciandrello (University of Turin), focusing on the Roman concept of contract and its impact on contemporary legal systems. The lecturer offered a distinctive approach to the subject by juxtaposing various sources related to contract forms safeguarded by good faith, highlighting the significance of consensus-based agreements. Analysing the essence of a contract should consider its form as a determining factor for its attributes. The following presentation was given by Grzegorz Blicharz (Jagiellonian University in Kraków). He spoke of the innovative nature of *locatio conductio*. The flexibility of the contract and the influence of religious needs were highlighted as a part of “mixed contracts”. In the context of these considerations, he discussed the contemporary protection of the relationship and legal regulation of new forms of employment. Marko Sukačić (University of Osijek) followingly pondered on the intricacies of *error in substantia* and explained the principle of *caveat emptor*. The evolution of the concept of *error* in *emptio venditio* contract was presented with its consequences on the validity issue. The main issue was to identify the premises of when an *error* makes the contract invalid. Sukačić distinguished between *error in substantia* and *error in qualitate*, where the former declares the transaction void, while the latter sustains it with eventual compensation to the buyer. Afterwards, there was a lecture by Aleksander Grebieniow (University of Warsaw), which reviewed the *mortis causa* succession in Roman law. The work concerned methodological deliberations on how the Romans transferred the assets during a lifetime to fulfil the intent of anticipating future succession in the event of death. The lecture presented known Roman institutions, inter

alia, donations or *peculium*, in a new light as highly probable substitutes to testaments or statutory inheritance. The day ended with Tomislav Karlović (University of Zagreb) delivering a paper on “Error in persona — introduction of the concept through Canon law”, which revolved around marriage. Karlović quarrelled that as the *error in substantia* invalidates the *emptio venditio* so does *error in persona* to the marriage. He explained that “a consent cannot exist without will”; thus, we cannot agree upon marriage with one person while factually marrying someone else.

The third day was devoted to the persistence of Roman law tradition in the centuries after the fall of the Roman Empire. It was opened by Guido Pfeifer (Goethe University Frankfurt), who discussed the reception of Roman law on the example of *Ius Regale Montanorum*. Pfeifer presented the codified town mining law in the perspective of legal historical research as the surrogate of *Deutsches Bergrecht*. The main reasons for the reception were sought in the influence of legal training in Roman law of the medieval jurists. A similar topic was then discussed by Andreja Katančević (University of Belgrade), who touched upon the mining law of Serbia. The topic was challenging in a methodological sense due to the scarcity of its primary sources. Katančević, focusing on the history of Novo Brdo and inquiring into the reign of King Stefan Uroš I, discovered that Serbian mining law was influenced not only by local customs but also Saxon ones and probably also by Roman law as received from Byzantium. After a short coffee break, Marko Kambič (University of Ljubljana) presented “The exciting life of the *superficies solo cedit* principle”. The speaker highlighted the importance of this principle, evident in the number of passages found in the Digest. He also presented the history of its revival by recalling the Statute of Koper from 1423. Kambič demonstrated the mindset of the old jurists who understood the rule’s applicability in an exceptional way. The following presentation from Henrik-Riko Held (University of Zagreb) brought us closer to the subject of *res sacrae* and general protection of those. He presented the influence of Roman regulations on Canon law, some of its principles applicable today, legal solutions adopted by individual countries and unusual statistics concerning the presence of such sacral objects in Croatia. Subsequently, a Young Researchers’ Posters Session took place. Matteo Cristinelli (University of Trento) presented the complexities of Roman criminal procedure, Kacper Łądkowski (Jagiellonian University in Kraków) considered the origin of the notable *lex Rhodia de iactu*, Bartosz Wiśniewski (Jagiellonian University in Kraków) spoke of the reception of Roman Law in China, Vid Žepič (University of Ljubljana) explained how etymology might help to understand Roman institutions, Mirna Dajak (University of Split) illustratively undermined the concept of professions in the *artes liberales* category, Enida Dučić (University of Sarajevo) highlighted the role of Roman law for European integration, and Mirza Hasić (University of Sarajevo) outlined the role of Roman principles in the practice of the Court of the European Union.

The organisers succeeded in organising a memorable event which was rich in cultural and historical aspects. It successfully combined the idea of an intensive course for students with a commemoration of the late Professor Petrak.