

**INTERNATIONAL MEMORIAL COURSE MARKO
PETRAK “ROMAN LEGAL TRADITION AND
CONTEMPORARY LEGAL SYSTEMS”, DUBROVNIK,
16TH-18TH OF OCTOBER 2023**

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The first issue of the *International Memorial Course Marko Petrak – Roman Legal Tradition and Contemporary Legal Systems*, organised by the Faculty of Law in Zagreb, was held at the *Inter-University Centre* in Dubrovnik from the 16th to 18th of October 2023. The course was organised in honour and memory of eminent professor and scholar, the late lamented Marko Petrak.¹ The course was planned by the co-directors from different European universities (University of Zagreb; University of Trento; University of Warsaw; Jagiellonian University, Kraków; Autonomous University of Barcelona; University of Sarajevo), while the main organisers from the Faculty of Law in Zagreb were Professor Tomislav Karlović and Associate Professor Henrik-Riko Held. The course was attended by forty participants: students from various European countries (Slovenia, Poland, Croatia, Bosnia and Herzegovina, Italy, etc.) and eminent professors and scholars from various distinguished European universities and institutions (e.g. Trento, Torino, Ferrara, Macerata, Frankfurt am Main, Kraków, Warsaw, Ljubljana, etc.). The organizers and the participants were also joined by Marko Petrak’s mother, Professor Jelka Petrak (Faculty of Medicine, University of Zagreb).

¹ Karlović, T.; Held, H.-R., *Roman Law Tradition in Croatia: Marko Petrak’s Legacy*, *Tesseræ iuris*, vol. 3, no. 1, 2022, pp. 271-278; Karlović, T.; Žiha, N., *Zum Tode von Marko Petrak*, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Romanistische Abteilung*, vol. 140, no. 1, 2023, pp. 536-540.

During the course various topics were covered in three thematic blocks: *Roman Legal Tradition, Methodology and Teaching of Roman Law in Contemporary World* (first day), *Roman Legal Issues* (first and second day) and *Medieval and Canon Law Contributions to the Roman Legal Tradition and vice versa* (third day). In that way various issues were discussed, beginning with those dealing with Roman law in antiquity and Romano-canonical legal tradition in the Middle Ages and the Early modern period, all the way to its many reflections in contemporary legal systems. In this way, the legacy of Marko Petrak was particularly honoured, since he was an eminent scholar in all the mentioned disciplines. Finally, a special session was dedicated to young researchers (graduate and PhD), who got an opportunity to present their papers on the third day. This was also a particular homage to the late Professor Marko Petrak, since he was exceptionally renowned and loved as an outstanding teacher and mentor.

Following the opening of the course, the academic part started with Franciszek Longchamps de Bérier from the Jagiellonian University, Kraków, who presented a paper titled “*Utriusque iuris* and the universality of the legal study”. In this paper he analysed legal education in both civil law and canon law from a historical perspective, and contrasted definitions of *legal historian* and *historical lawyer*. The main question of what actually constitutes a lawyer was specifically analysed on the example of Nicolaus Copernicus and his doctorate in canon law. Janez Kranjc, member of the Slovenian Academy of Sciences and Arts and Professor of Roman law at the University of Ljubljana presented the paper “What kind of Roman law (if any!) should we teach/learn in the age of AI?”. He emphasised various challenges in contemporary legal education and practice associated with (now broadly available) artificial intelligence, such as ChatGPT. All of that was put in the context of relevance of Roman law in legal education, taking into account its practical and case law orientation and inherent logical structure. This presentation attracted particular attention and elicited questions from both professors and students. With this not only current interest for AI was reflected, but relevance of Roman law study in contemporary legal curricula as well. Nikol Žiha from J. J. Strossmayer University in Osijek continued in a similar vein, presenting a paper titled “Value education in the Roman legal curriculum”. She emphasised inherent legal values present in Roman law, and gave specific examples of student debates and argumentation in that context from her teaching practice. This session was concluded with Tommaso Beggio from the University of Trento, who presented a paper titled “*Antike Rechtsgeschichte und romanistisches Rechtsstudium: the scientific tension between dogmatics and the Historisierung of Roman law in the thought of Ludwig Mitteis*”. Here a long standing controversy between the historical and the dogmatic approach to

Roman law was excellently dealt with. After a break, the first day of the course was concluded with two presentations dealing with particular legal issues from Roman law. First, Silvia Schiavo from the University of Ferrara gave a thorough overview of legal consequences of ingratitude in Roman law and in the Roman legal tradition (“Ingratitude in Roman legal tradition”). Finally, Pierangelo Buongiorno from the University of Macerata presented a detailed exegetic analysis of the procedural expression *in re praesenti* in ancient Roman sources, both legal and otherwise (“*In re praesenti*. Roman jurisprudence and administration between the Republic and early Principate”).

The second day of the course continued with papers dealing with various problems in Roman law. Enrico Sciandrello from the University of Torino presented a paper titled “The Roman conception of contract and its legacy in modern legal systems”. This paper explained the essential role of Roman law in the process of formation of contemporary contract law. Also, the students were given an insight into a wider array of texts and more insightful considerations which are usually not dealt with in ordinary classes. Contracts were the theme in the second presentation as well: “*Locatio conductio* as an innovative factor in private law” by Grzegorz Blicharz from the Jagiellonian University, Kraków. Here *locatio conductio* in Roman legal tradition was thoroughly examined. A particularly interesting perspective was an analysis of the contemporary relevance of this contract in the context of digital platforms (such as Uber, Wolt, etc.). Marko Sukačić from the J. J. Strossmayer University in Osijek then gave an exemplary analysis of “*Error in substantia* and material defects”, carefully delineating two concepts. Aleksander Grebieniow presented a paper titled “Anticipating succession *mortis causa* in the light of Roman law sources – a methodological problem”. In this presentation a contemporary problem was expertly analysed in the context of Roman legal tradition, while methodological problems associated with such an approach in general were also dealt with. The second day was closed with the presentation by Tomislav Karlović from the University of Zagreb, who spoke about “*Error in persona* – introduction of the concept through canon law”. In this paper mutual influence of canon law and civil (Roman) law was explained on a particular example of the development of *error in persona* in the marriage law of the late Middle Ages. This paper marked a thematic transition from the second to the third topic of the conference, shifting the focus from antiquity to the Middle Ages. This shift was additionally reflected in the study visit to the State Archives of Dubrovnik at the closing of the second day of the conference. There, senior archivist Zoran Perović presented some of the most important documents preserved in the Archives, dating from the 11th Century onwards.

Third day of the course was consequently themed *Medieval and Canon Law Contributions to the Roman Legal Tradition and vice versa*. First, Guido Pfeifer (Goethe University, Frankfurt am Main) presented a paper titled “Late medieval reception of Roman Law as a matter of creative adaption – the case of *Ius Regale Montanorum*”. Here, this particular medieval source was systematically analysed as an example of the medieval application of Roman law in a specific historical and geographical setting. Andreja Katančević from the University of Belgrade then followed with a similar theme, “Mining laws in medieval Serbia”. Sources, methodological approach as well as relevance of Roman law and the Roman legal tradition in this context were particularly addressed. Marko Kambič from the University of Ljubljana presented a paper titled “The exciting life of the *superficies solo cedit* principle”. This crucial principle stemming from Roman law was expertly analysed in the context of its medieval and contemporary application, especially in the context of post-socialist countries. Finally, the scholars’ panels were closed by Henrik-Riko Held from the University of Zagreb, with a paper titled “*Res sacrae* – Roman law, canon law and contemporary protection of cultural goods”. The originally Roman legal category of *res sacrae* was here analysed in the context of medieval and early modern canon law, as well as contemporary legal systems. Young researchers closed the course with various interesting and well-researched papers. There were altogether seven presentations by researchers coming from five countries (Italy, Poland, Slovenia, Croatia, Bosnia and Herzegovina).

During the course all the participants recalled their friendship and cooperation with Marko Petrak. It was concluded that, in a way, Marko Petrak and his legacy will live on – through his friends and colleagues continuing to tread the paths he created and shaped, both as a scholar and as a teacher. Several conceptual, methodological and organisational guidelines for future issues of the course were principally agreed upon, with a full-fledged intention of all the organisers to continue the course in the future with the same level of dedication and enthusiasm.

*Izv. prof. dr. sc. Henrik-Riko Held**

* Henrik-Riko Held, Ph. D., Associate Professor, Faculty of Law, University of Zagreb, Trg Republike Hrvatske 14, 10000 Zagreb, Croatia; hhheld@pravo.hr; ORCID ID: orcid.org/0000-0002-6217-2655