

Vir peritus multos erudit.

To the memory of Professor Witold Wołodkiewicz (1929–2021)

On Saturday night, 13th February 2021 Professor dr hab. Witold Wołodkiewicz, a lawyer, a Roman law specialist, a great expert on ancient culture and a barrister, passed away.

Witold Wołodkiewicz was born on 23th October 1929 in Warsaw. After graduating from Stefan Batory Lyceum in Warsaw he took up the studies at Faculty of Law and Administration at University of Warsaw in the years 1948–1952. As early as at his first year of studies he was fascinated by the lectures on Roman law run by professor Edward Gintowt, and the participation in the professor's seminars led to employing Witold Wołodkiewicz on the position of Assistant Professor at the Department of Roman Law on 15th December 1952. It is worth noting that at that time the other lecturer on Roman law was professor Rafał Taubenschlag. Although the two professors – Taubenschlag and Gintowt presented two separate and opposite schools of thought, their disciples: Witold Wołodkiewicz, Krystyna Bukowska, Józef Modrzejewski and Henryk Kupiszewski managed to work in harmony.

Initially, Witold Wołodkiewicz focused his scientific interests on family law, hence he published his review on Eduardo Volterra's paper titled *La conception du mariage à Rome*, RIDA, 1955, pp. 365–379, and «Czasopismo Prawno-Historyczne», 1957, 9.2, s. 333–341. Volterra advanced the thesis that Rome had known one and the only form of marriage and that the conclusion of a marriage had been an act separate from husband's gaining authority over a wife. The review was the initial point for thorough studies on the place and role of women in the structure of Roman family, which in turn, resulted in the doctoral thesis titled: *Materfamilias*, translated later into Italian and published under the title: *Attorno al significato della nozione di 'mater familias'*. In: *Studi in onore di Cesare Sanfilippo*, III, Napoli, 1983, pp. 773–756. Next, Witold Wołodkiewicz's area of interest became law of obligations, which resulted in his habilitation thesis titled: *Obligationes ex variis causarum figuris*. *Studia nad źródłami zobowiązań w rzymskim prawie klasycznym* [Studies on the Sources of Obligations in Classical Roman Law], Warszawa, 1968, later published in Italian as: *'Obligationes ex variis causarum figuris'*. *Ricerche sulla classificazione delle fonti delle obbligazioni nel diritto romano classico*, «Rivista italiana per le scienze giuridiche» 1970, 14, pp. 77–241, as well as a number of papers on the subject referred to as quasi-delict liability, for example *'Deiectum vel effusum'* oraz *'positum aut suspensum'* w prawie rzymskim [*'Deiectum vel effusum'* and *'positum aut suspensum'* in Roman Law], «Czasopismo Prawno-Historyczne», 1968, 20.2, pp. 23–46, published also in Italian: *'Deiectum vel effusum'* e *'positum aut suspensum'*, «Rivista italiana per le scienze giuridiche», 1968, 14, pp. 365–391.

Professor Wołodkiewicz's dissertation titled *Nieznana rozprawa z XVII w. o pozwie w prawie rzymskim i polskim* [The 18th-century Unknown Treatise on Lawsuit in Roman and Polish Laws], «Czasopismo Prawno-Historyczne», 1959, 11.2, pp. 103–142, gave the grounds for the research on presenting the influence of Roman law on future legislations. Professor returned to that subject on numerous occasions, for example in the monograph titled: *Rzymskie korzenie współczesnego prawa cywilnego* [The Roman Roots of Contemporary Civil Law], Warszawa, 1978, and in copious articles.

The contribution of Roman law to the systematics of civil law was dealt with in detail in the monograph: *Les origines romaines de la systématique du droit civil contemporain*, Wrocław, 1978.

Professor Wołodkiewicz was keenly interested in the history of teaching Roman law and the model of legal studies as well as in the role of Roman law in education of lawyers. On this topic he wrote many articles, for example *L'insegnamento del diritto romano in Polonia*, «Index», 1976, 6, pp. 383–394; *The Continuity of Roman Law in the Civil Law Socialist Countries*. In: *Estudios en Homenaje al Profesor Juan Iglesias, II*, Madrid, 1988, pp. 1091–1106; *Un dialogo di Fénelon e le critiche settecentesche al diritto romano*, «Buletino dell'Istituto di Diritto Romano», 1988, 91, pp. 237–251; *Nauczanie prawa – między wymaganiami teorii i praktyki*. In: *Nauka prawa na odrodzonym Uniwersytecie Warszawskim. Materiały z sesji maj 1988* [Teaching Law – Between the Theory and Practice. In: *Teaching Law at the Reborn University of Warsaw. Proceedings of the Session May 1988*], Warszawa, 1991, pp. 9–24; *Il diritto romano e la cultura giuridica d'oggi*, «Ius antiquum = Drevnee Pravo» 1998, 1(3), pp. 159–169.

No wonder, that the fruit of this experience was a course book (co-authored with Maria Zabłocka) entitled: *Prawo rzymskie. Bruliony z Wykładów* [Roman Law. Draft Lectures], I-I, Warszawa, 1993–1994, translated into Vietnamese, and, above all, the many-times-published text book (written together with Maria Zabłocka) titled: *Prawo rzymskie. Instytucje* [Roman Law – Institutions], Warszawa (1st ed. 1995, 6th ed. 2014), which in a concise form presents the development of Roman private law and its importance in European legal culture.

Professor Witold Wołodkiewicz was a tireless researcher not only of the institutions of Roman law but also of European legal culture, especially of the Enlightenment and the Napoleonic era. The fruit of these studies were numerous scientific publications, such as *Prawoznawstwo w poglądach i ujęciu Encyklopedystów* [Jurisprudence in the Views and Approach of the Encyclopaedists], Warszawa, 1990; *Code civil des Français. Uwagi na marginesie dwóchsetlecia Kodeksu Napoleona* [Remarks on the Occasion of Bicentennial of Napoleonic Code], «Forum Iuridicum», 2004 [wyd. 2005], 3, pp. 113–128; *Międzynarodowe prawo prywatne w pracach nad Kodeksem Napoleona*. In: *Współczesne wyzwania europejskiej przestrzeni prawnej. Księga pamiątkowa dla uczczenia 70. urodzin profesora Eugeniusza Piontka* [Contemporary Challenges of European Legal Area. Studies dedicated to Professor Eugeniusz Piątek on his 70th birthday anniversary], Łazowski, A. – Ostrihansky, R. (eds.). Kraków, 2005, pp. 672–690; *Jean-Étienne-Marie Portalis et la législation napoléonienne*, «RHDfE», 2014, 92.1, pp. 123–130.

The issue of the attitude of totalitarian regimes to Roman law was presented by the Professor in such works as *Reżimy autorytarne a prawo rzymskie* [The totalitarian regimes and Roman Law], «Czasopismo Prawno-Historyczne», 1993, 45.1–2, pp. 437–444; *Il diritto*

romano nei paesi del „socialismo reale” ed il cambiamento delle opinioni dopo il crollo del sistema totalitario. In: Diritto romano e regimi totalitari nel ‘900 europeo. Atti del seminario internazionale (Trento 20-21 ottobre 2006), Miglietta, M. – Santucci, G. (eds.). Trento, 2009, pp. 143–173.

The dissemination of the idea of Roman law was expressed in two works of the encyclopaedic type, namely in the work (written together with Władysław Rozwadowski and Janusz Kamiński), titled *Prawo rzymskie. Słownik encyklopedyczny*, Warszawa, 1986 and in a co-edited volume *Wielka Encyklopedia Prawa, I: Prawa świata antycznego*, Warszawa, 2014, in which professor created numerous entries, and above all, in the work, which can be easily called *novum monumentum aere perennius*: professor, together with his team, brought about the material “perpetuation” of the most significant law maxims. They were placed on the columns surrounding the Supreme Court of the Republic of Poland in Warsaw. The professor’s mini-essays, printed over the years in the *Palestra* journal, were finally published as two collections of articles titled *Czy prawo rzymskie przestało istnieć [Did Roman Law Stop Existing?]*, Kraków, 2003, and *Europa i prawo rzymskie. Szkice z historii europejskiej kultury prawnej [Sketches on the History of European Legal Culture]*, Warszawa, 2009.

For over 60 years professor Wołodkiewicz had been employed at Faculty of Law and Administration at Warsaw University, where he went through all the stages of his scientific career, crowned in 1969 with the title of professor. From 1998, he was an active member of the Centre for Research on Ancient Tradition. His contribution to the University of Warsaw was so significant that in 2019 the Senate of the University of Warsaw adopted a resolution to solemnly renew his doctorate.

He was also the rector of the European University of Law and Administration in Warsaw, Chairman of the Committee on Ancient Culture of the Polish Academy of Sciences.

He was a tireless advocate and implementer of multidirectional international scientific exchange, which lead to the maintenance and development of scientific research on a global level. He was also an excellent initiator of international scientific contacts, not only at the University of Warsaw, but also with the universities and scientific institutions in Italy. As an outstanding and recognized specialist in Roman law he participated in the most important international conferences, often with his students. He described his foreign scientific peregrinations in the work titled *Moje peregrynacje naukowe 1939–2003 [My Academic Peregrinations (1939–2003)]*, Kraków, 2008, also published in the Italian version, titled *Itinerari di un giurista europeo. Dall’Università di Varsavia alla Federico II*, Napoli, 2010.

He used to run lectures at numerous foreign universities, mainly in Italy and France: Università di Camerino, professore a contratto (1982–1983); Paris I – Panthéon-Sorbonne, Professeur invité (1987); IV-e Séction École Pratique des Hautes Études – Sorbonne (1991–1992) as the directeur d’études invité étranger; cycles of lectures at Università di Napoli, Facoltà di Giurisprudenza (1989, 1999, 2000, 2001, 2002, 2003); Università di Sassari (2000), professore a contratto; Università di Roma II (2005).

Professor established the International School of Roman Law in Warsaw, where the lecturers were, apart from Polish professors, the most acknowledged Italian professors from Catania, Naples, Padua, Rome and Sassari as well as the scientists from the most important research centers in Germany. The students were young researchers, initially from the circle

of European culture countries, and later also from countries culturally more distant, for example from China.

He participated in many international congresses and conferences, symposiums and seminars. Professor Wołodkiewicz was a member of: Warsaw Scientific Society, the chairman of various scientific boards, such as Institute for Interdisciplinary Studies of University of Warsaw (the professor chaired the scientific board of the Centre for Studies on the Classical Tradition till 2005), Institute of the History of Law, University of Warsaw; The Institute of Law Studies of the Polish Academy of Sciences; the Chair of Scientific Board of the Research Centre of Polish Bar Association. He was also the vice-dean of the Faculty of Law and Administration of the University of Warsaw and the long-term Director of the Institute of the History of Law at the University of Warsaw, as well as the Head of the Department of Roman and Ancient Law.

He was a member of various international scientific associations, including: Accademia Pontaniana, Société d'Histoire du Droit, Société Française du XVIIIe siècle, a member of *consiglio scientifico* Centro Internazionale di studi romanistici «Copanello». He was a member of the scientific councils of following journals: «Index. International Survey of Roman Law»; «Iura». Rivista internazionale di diritto romano e Antico; a member of the editorial board of the Polish Bar Journal «Palestra» and of the program board of the journal «Zeszyty Prawnicze».

In recognition of his merits, the Professor was honoured with the two-volume work *Au-delà des frontières. Mélanges Witold Wołodkiewicz, I–II*, Warszawa, 2000, (including the list of the Professor's publications from the years 1957–2000), a volume of «Index. International Survey of Roman Law» journal 2019, 47, as well as an issue of «Zeszyty Prawnicze» 2020, 20.4 (including the list of the Professor's publications from the years 2000–2020).

Witold Wołodkiewicz was awarded the Gold Cross of Merit, the Officer's Cross of Order of Polonia Restituta Fourth Class and the Commander's Cross of Order Polonia Restituta Third Class, and the badge of merit awarded by the Warsaw Bar Association «Advocate of Merit».

Personally, I first met professor Witold Wołodkiewicz more than 50 years ago at the seminar on Roman law, which he conducted together with professor Henryk Kupiszewski and later with professor Maria Zabłocka. He was deeply interested not only in the internal history of Roman law, but also in broad understanding of Roman law in the Romanist tradition and its influence on modern European legislation, which used many Roman theoretical structures in creating and interpreting the law.

Professor wondered whether today's "rule of law" is applied wisely and in accordance with a sense of justice, or whether Roman maxims, expressing the fear of too strict application of the law, are still significant and valuable. He argued that even the best law could be deteriorated if unwisely applied. And if the quality of statutory law leaves much to be desired, the more sense should be expected from those who apply it. He gave examples of laws created in a hurry, at the request of ad hoc demands of politicians or of public opinion steered by the media, and pointed out that the flood of regulations and their multiple amendments (often created even before the law entered into force) put the quality of the law into question.

Over the years, professor Witold Wołodkiewicz had become an icon of Polish Roman studies. He was known and appreciated in Poland and in the world. His departure marks the end of an era, but his legacy and achievements will be remembered and used by successive generations of both Romanists and lawyers in general.

Jan Zabłocki

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