

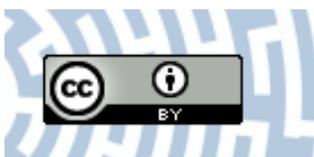


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**ROMAN LAW AS A FOUNDATION OF THE EUROPEAN LEGAL CULTURE
UKRAINIAN AND POLISH EXPERIENCES
INTERNATIONAL SCIENTIFIC CONFERENCE
LVIV, 9–10 APRIL 2019**

On 9–10 April 2019, the Law Faculty of the Ivan Franko National University of Lviv hosted participants of the International Scientific Conference *Roman Law as a Foundation of the European Legal Culture*. The event was a result of cooperation between the Department of History of the State, Law and Political Law Teachings of the Ivan Franko University and the Department of Roman Law of the John Paul II Catholic University of Lublin. The conference provided a unique opportunity to launch a dialogue between the Roman law scholars from both countries and to present the results of research that has been carried out parallel in Ukraine and Poland. Due to the international character of the meeting, its participants were able to view the various issues related to Roman law from the different perspectives and, simultaneously, to consider the elements shared by our legal culture. The official languages of the deliberations were Ukrainian, Polish, and English.

The first day encompassed three sessions during which the researchers from Ukraine and Poland presented their papers. The conference launched as scheduled at 9 a.m. when the attendees were welcomed by Prof. Ihor Bojko and Prof. Maciej Jońca. Both of them stressed how important and unprecedented for the Law Faculty of the University of Lviv this meeting was. In fact, scholars from Ukraine and Poland have convened for the first time in Lviv to discuss experiences with the Roman law tradition of both countries. The first session, presided over by Prof. I. Bojko, included a presentation by Prof. M. Jońca who discussed the issue of teaching Roman law in the present-day Poland. This was followed by a speech by Dr. Hanna Fedushchak-Paslavska who elaborated on the role of Roman law in the process of shaping the legal awareness of the contemporary Ukrainian lawyers. The second session was opened with a presentation by Dr. Andriy Koval, *The Work of Roman Lawyers as a Foundation for the Development of the European Institution of the Bar in Ukraine*. This part of the conference also comprised of speeches by Dr. Bożena Czech-Jezińska from Lublin who discussed the difficult beginnings of Roman law in the first years of the post-war Poland, and by Dr. Vira Kachur from Kiev who shared

interesting observations on the place of Roman law in the broadly-understood legal culture. The third and final session, presided over by Prof. M. Jońca, started with a presentation by Dr. Volodymyr Kakhnych who focused on the history of the science and teaching of Roman law at the Faculty of Law of the University of Lviv (1784–1918). The next speaker, Dr. Wojciech J. Kosior, delivered an interesting paper, *The Influence of Roman Law on Indictments in Poland and Ukraine. D. 48, 2, 3 – Article 332 of the Polish Code of Criminal Procedure – cm. 291 KIK*. Meanwhile, Dr. Marian Bedrij discussed the peculiarities of case law of both, the Roman jurisprudence and modern doctrine. The final paper was delivered by Dr. Grzegorz Nancka who elaborated on the views of Lviv scholar Marcelli Chlamtacz in regard to the nature of a loan contract. The speech presented by Taras Pashuk, a lawyer at the European Court of Human Rights, provided a commendable closure to the deliberations.

The second day of the conference belonged to the youth, as the students and the doctoral candidates delivered papers in the prestigious Faculty Council Hall. Similar to the first day of the event, the presentations were divided into three sessions. Anna Petriv elaborated on the role of Roman law in the didactic process at the Ukrainian Free University, while friar Karol Adamczewski of the Order of Friars Minor discussed the role of the Holy Bible in the development of the procedural principle of *testis unus, testis nullus*. Further on, Bohdan Hutiv analyzed the impact of Roman law on the legal system of the Holy See, and Michał Lewandowski presented a comparison of Roman and contemporary marriage. The second session included presentations by Marlena Przygoda who delivered a paper on *Influence of Roman Law on International Law in the Views of Alberico Gentili*, and Taras Halaburda who discussed the impact of Roman law on the legislation of Austrian criminal procedure in the 19th century. Furthermore, Karolina Gaś delivered a paper: *"Patria Potestas" and Parental Authority*, followed by Natalia Klochko who stressed the importance of Roman law for lawyers, and by Natalia Dubiel who offered her opinion on holographic will in Roman law. The third session was opened by Olena Boliukh who discussed the impact of Roman law tradition on the regulation of criminal law in Ukraine. The following speaker, Łucja Kielesińska presented her assessment on the functioning of the penalty of relegation based on the letters of Pliny the Younger and Emperor Trajan. An interesting paper, *Extramarital Permitted Relationships between a Man and a Woman: Peculiarities of Legal Regulations in Ancient Rome and the Present-Day Ukraine* was offered by Elvira Havryliuk. The session was closed with a presentation by Jan Olszewski on *"Roma Locuta, Causa Finita Est" – Imperial Rescripts and the Resolutions of the Supreme Court*.

In conclusion, the deliberations must be deemed exceptionally fruitful. The speakers highlighted timeless values of Roman law, which, alongside with the Greek philosophy and Christianity, are the three pillars of the European culture. Roman law – as the participants unanimously stressed – constitutes a foundation that binds together the European legal culture. As an area of research, it is therefore an excellent starting point for the research cooperation between Ukraine and Poland. Many of the contemporary legal institutions, Ukrainian and Polish, have their roots in Roman law. Accordingly, the conference participants emphasized that Roman law continues to be an indispensable element in the toolbox for the contemporary lawyers. It provides the law students and the prospective lawyers with what can be labelled as “general orientation”. The speakers also stressed the role of the University of Lviv in the development of the study of Roman law, and highlighted the substantial accomplishments of Lviv scholars in this regard.

The speakers and other participants received certificates in both languages, Ukrainian and Polish, featuring logos of the Ivan Franko University and the John Paul II Catholic University of Lublin. What is more, at the conference the student presenters had an opportunity to meet their counterparts representing the Ukrainian student organizations. Additionally, preliminary decisions as to the future cooperation were reached. A major attraction for the conference participants was the university canteen – the food was affordable and delicious.

Irrespective of the above, the conference attendees had an opportunity to see the historical building of the University of Lviv and the Museum of the University of Lviv. As part of the conference experience a profound honor was shared with the participants as they have received an audience with HE Archbishop of Lviv Mieczysław Mokrzycki, and afterwards, the Polish attendees proceeded to the Lychakiv Cemetery and the Cemetery of the Defenders of Lviv. While visiting the latter, the representatives of KUL-based student organizations Pius XI Academic Guild and the Polish Academic Corporation *Astrea Lublinensis* laid white and red wreaths.

The meeting in Lviv have disclosed an immense research potential and will hopefully initiate further cooperation between Poland and Ukraine in respect to research of Roman law. As the conference participants were deliberating, messages arrived from other Ukrainian academic hubs interested in joining such initiatives in the future. It is not surprising that the student organizations from outside the John Paul II Catholic University of Lublin are also willing to establish scientific relations with Lviv since the conference participants were representing also the University of Silesia and the University of Rzeszów.

The Lviv conference would not have been regarded successful, had it not been for the openness and kindness of the Ukrainians. Accordingly, words of gratitude are due not only to the authorities of the Law Faculty, the head of the Department of History of the State, Law and Political Law Teachings of the Ivan Franko University but also to Dr. Marian Bedrij who had taken it upon himself to handle countless issues related to the organization of the event.

The principle of reciprocity requires that the next symposium be held in Poland. A preliminary declaration of readiness and willingness to organize it next year was offered by the Department of Roman Law of the John Paul II Catholic University of Lublin.

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