

## IN MEMORIAM FELICIANO SERRAO (1922–2009)

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Professor Feliciano Serrao died on 27 June 2009. He was former director of the Institute of Roman Law (Istituto di Diritto Romano e dei Diritti dell'Antico Oriente Mediterraneo) and the Institute of Postgraduate Legal Studies (Corso di Alta Formazione in Diritto Romano) of the La Sapienza University in Rome; an internationally acclaimed scholar of Roman law and Doctor Honoris Causa of the Eötvös Loránd University in Budapest.

Feliciano Serrao was born on 24 April 1922 in Filadelfia, Calabria, in southern Italy. A student, among others, of Emilio Albertario, Emilio Betti and Pietro de Francisci in 1940-44 at the University of Rome, he delved into Roman law early. He taught and started research on Roman law at the same institution as a lecturer. Professor Vincenzo Arangio-Ruiz exerted an influence on his scholarly development at the time. Feliciano Serrao passed the bar exam and thereafter coupled research with working as a lawyer. He taught labour law at the University of Macerata for a while.

In 1947 he published a book on *procuratio*, which is still an authoritative source on the dogmatics of the notion of agency. He attracted international attention with a monograph (in 1954) on the jurisdiction of *praetor peregrinus*, which challenged the *communis opinio doctorum* of the time. The same year he became professor of Roman law at the University of Macerata. Working there until 1964, he started as an extraordinary professor and then became a full professor. As from 1964 he was head of the Department of Roman Law at the University of Pisa and, as from 1975, at the La Sapienza University in Rome. He was appointed director of the Institute of Roman Law of that university in 1987 and held that post even after his retirement (in 1992) until 31 October 1997. Upon becoming a professor emeritus he stopped delivering regular lectures at the university but as director of the Institute of Postgraduate Legal Studies, he held lectures on Roman public law (Diritto pubblico romano). The Corso di Alta Formazione in Diritto Romano of Rome is presently the world's only postgraduate school for Roman law. Even as a professor emeritus he took an active part in scholarly life and regularly attended congresses on Roman law at home and abroad. As a professor emeritus he taught Roman law at the Libera Università Meridionale private university in the town of Casamassima, near Bari in Puglia Province.

Professor Serrao published eight monographs (major volumes that carry original research findings and are acknowledged and often quoted in the literature at home and abroad), edited two collections of essays and wrote about a hundred essays and articles. He enjoys a high esteem in professional circles worldwide. He is an initiator of a school of thought in his country (and to some extent, beyond Italy, too). Numerous Italian experts on Roman law, including Professors Andrea di Porto of Turin, later of Rome, Carlo Venturini and Aldo Petrucci of Pisa, and Roberto Fiori (Università degli Studi Roma Due “Tor Vergata”) of Rome consider Professor Serrao as their master. In 1999 his disciples paid tribute to their master’s unique accomplishments as a scholar and teacher in a volume of their studies (*Societas – Ius. Munuscula di allievi a Feliciano Serrao*, Jovene, Naples).

Professor Serrao had astute insights in the economic and social foundations of Roman law and pioneered in the analysis of vertical structures of private law. That is why his research findings are of relevance also for economic and social history. Alongside his research on Roman private law, Professor Serrao carried out noteworthy research on Roman public law and Roman penal law. Moreover, he published essays on certain issues of the history of ancient Rome outside the history of law (as for instance, about the rivalry of parties and the land question). He devoted attention to and published essays on the survival of Roman law in modern legal systems (as for instance, in the field of responsibility borne for others, especially for an employee; and about the question of agency).

Professor Serrao was an excellent teacher and lecturer. The author of this obituary saw for himself that hundreds of students would eagerly listen to his presentations. His discourse was lucid and understandable – an asset that is increasingly in short supply nowadays. Professor Serrao cultivated lively working relations with the Eötvös Loránd University for many long years. In 1986 he was the driving force in the organization of the First Italian-Hungarian Conference on Roman Law and Civil Law Studies in Rome, where four instructors from the Faculty of Law of ELTE University made contributions. Professor Serrao delivered a lecture, entitled “Agency in Roman Law and in Modern Law,” at the Second Italian-Hungarian Conference on Roman Law and Civil Law Studies, which was held in 1988 at the Faculty of Law and Political Sciences of ELTE University. Professor Serrao was instrumental also in training new experts on Roman law in Hungary. When Hungarian students and young instructors were in Italy on scholarship, he gave them professional guidance and helped them to make their stay in Italy as useful as possible. In May 1996 the Eötvös Loránd University conferred the title of Doctor Honoris Causa upon the internationally renowned Professor Feliciano Serrao.

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## An abridged list of the scholarly publications of Professor Feliciano Serrao

### I. Monographs

Il procurator. Milan, 1947.

La iurisdictio del pretore peregrino. Milan, 1954.

Il frammento leidense di Paolo. Problemi di diritto criminale romano. Milan, 1956.

Responsabilità per fatto altrui in diritto romano. Pisa, 1973.

Classi, partiti e legge nella repubblica romana. Pisa, 1974.

Diritto privato economia e società nella storia di Roma. I-II. Naples, 1984.

Impresa e responsabilità a Roma nell'età commerciale. Forme giuridiche di un'economia-mondo. Pisa, 1989.

Diritto privato economia e società nella storia di Roma. I. Naples, 2006. (Third revised and enlarged edition)

### II. Volumes of Essays

Legge e società nella repubblica romana, a cura di Feliciano Serrao. I. Naples, 1984. (editor and co-author)

Legge e società nella repubblica romana, a cura di Feliciano Serrao. II. Naples, 1989. (editor and co-author)

### III. Essays

“Sulla ‘mutui datio’ da parte del servo commune” In: *Studi in onore di Vincenzo Arangio-Ruiz*. Naples, 1953. III. pp. 51-87.

“Appunti sui ‘patroni’ e sulla legittimazione attiva all'accusa nei processi ‘repetundarum’” In: *Studi in onore di Pietro de Francisci*. Milan, 1956. II. pp. 471-511.

“Note minime sulla lex agraria epigrafica,” *Studi Romani* 11 (1963), pp. 332-337.

“I partiti politici nella repubblica romana” In: *Ricerche storiche ed economiche in memoria di Corrado Barbagallo*. Naples, 1970. I. pp. 503-536.

“Responsabilità per fatto altrui e nossalità.” *Bullettino dell'Istituto di Diritto Romano* 73 (1970), pp. 125-196.

“Sulla rilevanza esterna del rapporto di società in diritto romano” In: *Studi in onore die Edoardo Volterra*. Milan, 1971. V. pp. 743-767.

- “Sul rapporto fra azioni pretorie contro il responsabile per un fatto illecito altrui e azioni civili contro l’autore del fatto in diritto romano” In: *Studi per Ermanno Graziani*. Pisa, 1973. pp. 605-616.
- “Diritto romano e diritto moderno” *Rivista di diritto civile* 28 (1982), pp. 170-192.
- “L’individuo, famiglia e società nell’epoca decemvirale” In: *Società e diritto nell’epoca decemvirale*. Rome, 1984. pp. 85-143.
- “Minima de Diogneto et Hesico. Gli affari di due schiavi a Pozzuoli nell’anno 30 d. C” In: *Sodalitas. Studi in onore di Antonio Guarino*. Naples, 1984. VII. pp. 3605-3617.
- “Dalle XII tavole all’editto del pretore” In: *La certezza del diritto nell’esperienza giuridica romana*. Padova, 1987. pp. 52-99.
- “Patrono e cliente da Romolo alle XII. tavole” In: *Studi in onore di Arnaldo Biscardi*. Milan, 1987. VI. pp. 293-309.
- “Il modello di costituzione augustea” In: *Storia di Roma*. 2.2. Torino, 1991.
- “Il diritto dalle genti al Principato” In: *Optima hereditas. Collana di studi dell’Italia antica*. 1992.
- “Il diritto e il processo privati” In: *Storia di Roma*. 3.2. Torino, 1993.

#### **IV. Entries in Encyclopedias**

Institor. In: *Enciclopedia del Diritto* (Milan), volume XXII.

Interpretazione della legge (diritto romano). In: *Enciclopedia del Diritto* (Milan), vol. XXII.

Legge (diritto romano). In: *Enciclopedia del Diritto* (Milan), vol. XXIII.

Fraus. In: *Enciclopedia Virgiliana*, 1988.

Lex. In: *Enciclopedia Virgiliana*, 1988.