

Una POLOJAC STUPAR*

INTERVIEW:
PROFESSOR DR. ANTONIO SACCOCCIO

BIOGRAPHY

Professor Antonio Saccoccio is a full professor of Roman law at the Sapienza University in Rome (Sapienza Università di Roma), where he received his PhD in 1998. Throughout his career, the professor has dedicated his research to a broad exploration of Roman law. He is the editor-in-chief of the magazine “Roma e America” (a legal magazine dedicated to the integration and unification of law in Eurasia and Latin America) and a member of the group of translators of Justinian’s Digests into Italian.

He is also a member of the editorial board of many international scientific and professional journals in the field of law, especially legal history, as well as numerous academic societies, such as ADRA (Associazione dei romanisti argentini), ASSLA (Associazione di Studi Sociali LatinoAmericani), Workgroup for jurisprudence of CEISAL (Consejo Europeo de Investigaciones sobre América Latina). His field of interest is mostly Roman private law, in which he has authored several books:

Si certum petetur. Dalla condictio dei veteres alle condictiones dei giustinianeai, Milano, Giuffré, 2002; *La cd. datio in solutum necessaria nel sistema giuridico romanistico*, Modena, 2003, (Roma e America, 14/2002, pp. 16-131); *Aliud pro alio consentiente creditore in solutum dare*, Milano, 2008; *Mutuam pecuniam dare. Mutuo reale e mutuo consensuale*

* The interviewer is a second-year graduate student at the University of Belgrade, Faculty of Law. The video recording of the interview can be watched on the Herald’s YouTube channel, <https://www.youtube.com/@heraldoflegalhistory5384>

nel diritto romano, Modena, 2014; *Il mutuo nel sistema giuridico romanistico. Profili di consensualità nel mutuo reale*, Giappichelli, Torino, 2020. His bibliography also includes over 50 scientific articles, as well as other contributions.

The interview has been conducted by Una Polojac Stupar on 30 May 2023.

AN IDEA THAT LED THE PROFESSOR TO ROMAN LAW

Una Polojac Stupar: Thank you very much for coming here today. My name is Una Polojac Stupar, I'm a first-year (graduate) student and today I'll be interviewing my guest, professor Antonio Saccoccio who teaches Roman law at the University La Sapienza in Rome. So, without further ado I would like to start the interview if the professor agrees with it.

Professor dr Antonio Saccoccio: Of course!

U. P. S: Thank you. Perhaps, one of the first things I want to ask you is about what prompted you to enter the faculty of law and then to specialise and focus on the field of Roman law?

A. S: So, let me say thank you for your invitation. I am very glad to be here, to give you this interview, and to speak a little bit about my experience with Roman law in Rome.

When I was a little child I had a dream – “I would like to become a judge”, so I started to study law. I went to law school because I wanted to be a judge, but when I finished high school in Italy I also had another dream – because I liked ancient literature; so I was not sure whether to study law, because I also liked ancient history. So, until the last moment, I had two possibilities in my hands. To go to the ancient history faculty or to the law faculty to realise one of the two dreams that I had at that time. In the end I chose law. I chose the law faculty and at the first lesson the dean held a speech for all the first-year students and he told us that the Law faculty is the faculty of all the people that didn't want to study law – so I was exactly one of those people. Then studying law... I fell in love with Roman law. I fell in love because of my master. I knew my master, professor Sandro Schipani. He was so fascinating and so deep, and Roman law is exactly in the middle of law and history. So, it was exactly in the middle of my first love of the time when I was young. So, I started to study Roman law with my professor. Then I graduated. Then I made PhD, went for two years to Germany to study and to deepen, a little bit, my knowledge about Roman law. Then my career started slowly, slowly, until the old age that I have now (smiles).

THE IMPORTANCE OF ROMAN LAW IN MODERN TIMES

U. P. S: That story is very inspiring and I think we can use the Latin (saying) *aurea mediocritas* for this one, since you were not sure whether you wanted to study ancient history or law. The next question I'm about to ask you is about the Roman law. I'm aware of the fact that Roman law is taught in Italy as a subject of national importance but do you think that the world's universities will increasingly leave it out of the curriculum? Unfortunately, today many people think that Roman law has only a historical dimension and they don't see its practical use.

A. S: This is in my opinion a false impression, a false opinion, but not only because I am a Roman law professor but because the history proves that it is exactly the contrary. We now live in almost all the countries in Europe, except England, in law systems founded on the Civil codes. Now, you know that the Civil codes are the heritage of Roman law. They didn't come like Minerva, the Greek goddess, from the hands of Jupiter. They come with modifications, with changes, with different steps in different periods but they come from Roman law. So, Roman law is useful today for different reasons. First of all, it is good gymnastics for your brain, because you will learn to solve practical cases thanks to the Digest – that is the big book where the Romans wrote their thoughts. It's a casebook, a case law book, a book of practical cases that happened 2000 years ago and they happen to be resolved, so it would make for good gymnastics. Then in this book, in the Digest, we found principles. We found that institutions, the norms that were around across the centuries and arrived to our modern civilization. So, the "good faith" principle, for example, it's not an invention of modern people, the "solidarity" is not an invention of modern people. You can find all that in the Roman time period. I mean, Roman law is a way to make contact with other jurists. We are jurists, we are not historians, we are jurists. So, we can speak with this heritage that we have from the ancient period. If I can say so, Roman law is like a common language for the jurists, like English – I am Italian, you are Serbian – we speak a different language, but we can find common points in this language that we all know. So, Roman law is the common heritage and if a country casts it out of the curriculum for law today, in my opinion, it's the wrong way because the scholars, the students, don't have the opportunity to learn this common language. I think that Roman law, it's a way to solve some problems that now we cannot solve because of the times we are in, our times with the system that is closed in the codes and in the way that we learn today. So, if we start from the point of view that the Romans had, we can look at the problem from a different point of view and maybe try to conclude if the solution that the Romans at that time applied is worthy and see if it works now or not. I mean, traffic is a problem today, of course. We go by car, the

Romans went by horse, but the traffic problem is the same problem. So, if we study the way in which the Romans solved this problem, maybe it can help us to understand a different way to solve the problem today.

JOURNAL ROMA E AMERICA

U. P. S: I really liked your answer. I think that the historical dimension of law can be seen best by studying Roman law. So, the next question I'm about to ask you is about your journal *Roma e America* that you are the founder of, and editor in chief. I would like to know how you came up with the idea to found this journal and what is its purpose, or better said maybe – mission?

A. S: *Roma e America* was founded not by me, but by my master, professor Schipani in 1996, at that time I was a PhD student and I was on the committee of the Review, but I was the editor-in-chief. Then I took the Review in 2011 and I became the *direttore*, the director of the review. The review is a review of Roman law, but in a modern dimension; I mean, the exact title is *Roma e America – diritto Romano commune*, Common Roman law. So, exactly this idea, that Roman law is a common law, is a universal law, is a universal language between the jurists. It delivers two fixed points: one point is Roma and the other part is America – *Roma E America*. Rome means Roman law, founded by the Romans and then widespread in the world. Of course, it was the world that they couldn't know at the time, they didn't know at the time, but now is the world that we know. In the world that we know belong also America and Latin America, Latin America is a geographical area made of countries that use the heritage of Roman law behind their legal system. And then, the subtitle of their review is *Rivista di unificazione del diritto e diritto dell'integrazione*; that means – Review for the unification of the law and law of integration between Euroasia and America. So, the idea is that Roman law is a universal language that can unify the law, not only in Europe but also in America, and also in China. Because China, since 2021, has a Civil Code. The Civil Code is inspired by the rules and by the norms that the Romans invented. The strong idea that is at the basis of the review is the idea of a juridical system, in Italian, we call it *sistema juridico*. What is a juridical system? The word system is exactly the word that Justinian, the father of Roman law, used in one of his constitutions introducing the Digest. He used the word *sistema* in Greek, *systema* in Latin, and *compilatio* to indicate the complexity of the norms that he was collecting as a heritage of Roman law. Also, he thinks that this is an open system, quite different from the systems that we are now (using) in our countries. In our countries now, the system of law, or legal order I would say that it is closed inside the border of the country. So, in Serbia I will use Serbian law, in Italy will I use Italian law, in Spain, I will use Spanish law, in Germany German law, but it's not the model that Justinian had in his head

when he founded the system of Roman law. Because, he founded a system that was, in his head, universal. Universal in a dimension of space, because he says that the norms, the laws he was collecting should be useful for all the people, *puncti populi*. That means all of the people that are now living in my Empire, but also in a temporal dimension, I mean all the people that in the future will live under the “umbrella”, so to say, of Roman law. So, maybe Justinian at this time thought that one day a crazy Italian professor will come to Belgrade and speak to a young beautiful lady and very smart students, explaining that the system of Roman law is not closed – it is an open system, useful for all the people and for all the times and in all parts of the world.

U. P. S: The points that you gave, that the Roman law is a common law or universal law is a great statement, and I think it will encourage our students and students in the world to study Roman law.

A. S: Maybe in Rome. Where better to study Roman law than in Rome?

JOB AS A PROFESSOR

U. P. S: Yes. That’s kind of my next question. I want you to make a parallel for our students and the other students. What is it like to teach at such a famous and old university, La Sapienza, where you come from, and do you have experience teaching at other universities?

A. S: Well, I must say it’s my second time here in Belgrade, so I haven’t experienced working with Serbian students deeply enough to make a parallel but I teach all over the world – in China, in Germany, in Spain, in all the countries across Latin America, Argentina, Brazil, Colombia, Mexico and students, I must say, are overall the same. They are curious, they are intelligent – more or less, it depends on the character. If they are the ones that are more shy and don’t ask questions, others that are more curious ask you questions. Students are interested in some particular aspects but I don’t see any big difference between students. Students are students – I was a student and I remember the time when I was curious and I was so proud when I could ask some question to a professor to deepen my knowledge about some aspects of the law.

PROFESSOR IN THE ROLE OF TRANSLATOR

U. P. S: I hope that from now on you will be coming to Belgrade more often, so you can get a full experience of life here. So, the next question I’m about to ask you is – you’re also a member of the Commission that translates Justinian’s Digest into Italian language. At what stage is that work and how challenging is it?

A. S: You used the right word, it was a challenge. We started in 2005. So it's almost 20 years and I am surprised because, his team, Justinian's team, took three years to write the compilation and in 20 years we didn't manage to translate it, it's incredible. It was challenging because when we started we had the purpose, we had the goal to spread the knowledge about the Digest, about the jurists. Not only the Romanist scholars that studied Roman law, but we want other law scholars to know that there is an easier approach to the Digest. The Digest is in Latin and some parts are in Greek, so modern people at our time don't know Latin or Greek so well as to read the Digest. If we look in the Digest, we can maybe find a solution of some modern problems. So, we thought at the time that maybe, if we translated it into our language, we could encourage some people to try the easier approach to read this book. We started with the first book and then we discovered that we have an enormous problem. When you translate something, you cannot translate word for word, but you have to translate the concept, in a different language and in a different culture. So, it was complicated to explain, to translate and explain. In Italian we say *traduttore*, *traditore*. *Traduttore* is translator. *Traditore* is the one who, I don't know how to say it in English, like Judas and Jesus Christ, I don't remember now the English word. So when you translate you do something wrong, because when you translate in another language you always lose something. The goal was to reach a larger part of scholars. The Digest is composed of 50 books and we translated up to book 36. Now we have until the end of the year to translate four more books. So, to reach book 40, until December 2023. But, it's complicated and then when you translate it's different, the perspective when you write an essay or you write a book is different. When you write a book, I mean a significant book, you have your head, your brain is concentrated to explain what you studied, what you think. When you translate, you're concentrating on explaining what other people thought at this time. So, in the end, you are never satisfied because you are translating what other people thought and you're not sure that this is the exact translation. Is it exactly what this jurist said at that time or thought they wanted to say? So, it's a huge work but in the end, you are always dissatisfied. But we are at that level that we came to book 40 we have to finish the work and move forward.

U. P. S: Yes, people are definitely not aware of the fact of how challenging it is to translate. Especially to translate Justinian's Digest, so I think you should be very proud of yourself for doing that job as well.

A. S: But in the end, in the same time that you use to translate we could write a book and in the end you have the book with your name. You wrote a book, but it's not the same. You just translate and people say 'Well what do you do, you translate, it's not so complicated, you just translate,' but it's a lot of work, translating and not being satisfied at the end.

UNIVERSITY LA SAPIENZA

U. P. S: I think you'll be satisfied at the end, I hope so. Finally, I would like to ask if you have any further advice for our students regarding their further guidance and academic improvement. Do you think the University La Sapienza is a good choice for students of the Faculty of Law at the University of Belgrade?

A. S: Of course. La Sapienza is the biggest university in Italy, maybe one of the biggest in Europe, I think. We got awards for classical culture, and for other topics won the Nobel Prize, in physics, and physical studies last year. It's a city, La Sapienza is a city in the city. You can go by car, move by car from one faculty to another one. I think, for legal studies, La Sapienza may be the heart of Italy. We have the professor who wrote the history of law schools in Italy, Vittorio Scialoja, now maybe young generations know Natalino Irti, and Franco Coppi, on different topics of the law. In the history of law, civil law, constitutional law, in all the fields of law (except me) the best professors in Italy are in Rome. I am an exception. You know. Well, and then maybe you know a better place in the world to study Roman law than Rome. I think you don't, and especially for Roman law we have the biggest library in the world, of course, so each student that comes to Rome, is always welcome, and can use this huge library. Not only for Roman law but also for civil law, and constitutional law. In each institute, we are divided into institutes, there is an institute for Roman law, history of law, for civil law, for constitutional law. Each of these institutions has a library, a good professor, good means to learn and to study the topic that you prefer, that you like the most.

AT THE END OF THE INTERVIEW

U. P. S: That's it for today. I would like to thank you for taking the time to have this conversation. It was such an honour interviewing you. I'm very much interested in Roman law, as well as many other students from our faculty, and I think that this interview with you will be quite inspiring for them and they can't wait to hear it.

A. S: So, we can expect a long queue of Serbian students that will come to Rome to study.

U. P. S: Yes. Thank you very much.

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