



## In memoriam Professor Imre Molnár (1934–2016)

Professor Emeritus Imre Molnár, internationally recognized scholar of Roman law, respected and beloved teacher of generations of jurists, passed away on 15 October 2016.

Imre Molnár was born in Tataháza on 22 September 1934. He pursued his secondary school studies in Baja and later on at Baross Gábor Grammar School in Szeged. He took an interest in classical antiquity in these years already primarily owing to the influence of his teacher of Latin at the grammar school, József Visy (1911–1988).

During the years of dictatorship in the 50s, he was labelled as a class alien – paying regard to the family’s former landed property amounting to fifteen cadastral acres –; so, he could start his university studies only in 1956 at the Faculty of Law of the University of Szeged, where he took a degree in law in 1960. He became closely connected with Roman law already as a university student as he actively took part for four years in the work of the Roman Law Scientific Students’ Association led by Professor Elemér Pólay (1915–1988).

The opportunity of the researcher/lecturer profession was preceded as a kind of detour by a practising lawyer’s career: it was followed by more than a decade’s activity at the Csongrád County Catering Company first as a company solicitor, then as senior juris consult, and finally as Head of the Administration Department.

At Elemér Pólay’s invitation, he returned to the Roman Law Department of the University in 1968, where he taught and researched as Assistant Lecturer from 1968 and then as Assistant Professor from 1971. He defended his candidate’s thesis in 1977, and after acquiring the degree *Candidatus Scientiarum* he was appointed an Associate Professor in 1979. He took over leadership of the Roman Law Department in 1985 from his master Elemér Pólay, who unselfishly helped him both in his academic activity and in the academic scene in general – with whom he was from first to last on sincere friendly terms –, and he headed the Department until 1999. He was awarded the degree *Doctor Scientiarum* in 1987 and was appointed University Professor in 1988. From 1994 to 1998, he filled the office of the Dean of the Faculty of Law and Political Sciences of József Attila University of Szeged.

As a regular speaker of international conferences, he kept up deep friendly relations with numerous foreign scholars. Under longer scholarships abroad, he

researched in Munich, Rome, and Cologne; he gave presentations at conferences and delivered guest lectures, among others, in Rio de Janeiro, Munich, Salzburg, Cologne, Graz, Halle, Venice, Bratislava, Belgrade, and Cluj-Napoca.

His field of research covered three large subject areas – as his most important publications also show –, which came from the scope of *locatio conductio*, the rules of liability in Roman law and Roman criminal law.

The revised edition of his candidate's (i.e. PhD) thesis defended in 1977 (*Locatio Conductio in Roman Law of the Classical Age*) was published in 1982 (in *Acta Universitatis Szegediensis*) in Hungarian with the title *Chapters from the Scope of Locatio Conductio in the Classical Age*. In this subject area, he published a study with monographic demand (*Verantwortung und Gefahrtragung bei der locatio conductio zur Zeit des Prinzipats*) in the highly respected encyclopaedic series entitled *Aufstieg und Niedergang der römischen Welt*.<sup>1</sup> In the subject area of *locatio conductio*, he published several further studies in Hungarian and foreign languages.<sup>2</sup>

His doctoral thesis *Rules of Liability in Roman Private Law* defended in 1987 was published in Szeged in 1993. Five years later, this monograph appeared in German too under the title *Die Haftungsordnung des römischen Privatrechts* (Szeged, 1998). During the decades, he published several studies that analyse the issues of the rules of liability in Hungary and abroad.<sup>3</sup> The researches carried out and the results attained by him in this subject area made him an internationally indispensable and recognized expert now not only in *locatio conductio* but also in this topic that represents one of the most important issues of Roman law.

In the last two decades of his career, his scholarly interest turned towards Roman criminal law; as the first result of his research, he analysed numerous details of the issues of this subject area. He published several of the listed papers

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- 1 Molnár, I.: *Verantwortung und Gefahrtragung bei der locatio conductio zur Zeit des Prinzipats*. In: *Aufstieg und Niedergang der römischen Welt*. Teil. II. Band 14. Berlin–New York, 1982. 583–680.
  - 2 Molnár, I.: *Gefahrtragung beim römischen Dienst und Werkvertrag*. *Labeo* 1975. 23–44; *Subjekte der locatio conductio*. In: *Studi in onore di Cesare Sanfilippo, II*. Milano, 1982. 413–430; *Objekt der locatio conductio*. *Bullettino dell' Istituto di Diritto Romano* 1982. 127–142; *The Social Determination of Lease Relations and the Social Programs Arising from that in the Ancient Rome*. In: *Studia in honorem L. Nagy*. Szeged, 1984. 223–229; *Rechte und Pflichten der Subjekte der locatio conductio*. *Index 1983–1984*. 157–188; *Le cause di estinzione del contratto e il problema dell' esistenza del diritto di disdetta nella „locatio-conductio“*. *Labeo* 1986. 298–309; *Beruf und Arbeit im römischen Recht*. In: *Facetten des Wandels*. Mannheim, 2001. 54–62.
  - 3 Molnár, I.: *Die Ausgestaltung des Begriffes der vis maior im römischen Recht*. *IURA* 1981. 73–105; *Erfolgshaftung oder ein typisierter dolus malus im archaischen römischen Recht*. *Bullettino dell' Istituto di Diritto Romano* 1987. 27–43; *Der Haftungsmaßstab des pater familias diligens im römischen Recht*. In: *Vorträge gehalten auf dem 28. Deutschen Rechtshistorikertag (Nimwegen 23. bis 27. September 1990)*. Nijmegen, 1992. 23–31; *Die Haftungsordnung des römischen Privatrechts*. In: *Emlékkönyv Dr. Szentpéteri István*. Szeged, 1996. 371–383.

in German too.<sup>4</sup> Although he did not summarize his researches in Roman criminal law in a monograph, in 2013, his papers were summed up in a volume of studies with monographic demand in Hungarian and German with the title *Iuscriminale Romanum* in Szeged as volume no 45 of the *Library of Pólay Elemér Foundation*.

In addition to these three large subject areas, he treated numerous topics in his studies; in particular, the issues of the study of contracts, especially of sale and purchase and bearing hazards<sup>5</sup> as well as of education and research on Roman law. He published several studies that examine the history of development of Roman law and papers on history of sciences and recollections; the first edition of his textbook entitled *Roman law* written with a co-author was published in Szeged in 2001.

His academic achievements were recognized by numerous official honours. In 1999, by the *Apácai Csere János Prize*, on two occasions (in 1995 and 2004) based on students' votes by the title *Lecturer of the Year*, in 2004, by the title *Professor Emeritus*, and in 2005 by the *Klebersberg Kúnó Prize*. In 2003, he was awarded the *Silver Commemorative Medal of the Academic Committee of Szeged*, also in 2003 the *Order of Merit of the Republic of Hungary, Officer's Cross*, and then in 2007 the *Eötvös József Wreath*. The appreciation of him and his life-work is indicated by the fact that his colleagues and students congratulated him with a *Festschrift* on the occasion of his 70<sup>th</sup>, 75<sup>th</sup>, and 80<sup>th</sup> birthday (published in Szeged in 2004, 2011, and 2014 resp.).

The background of his successful researcher's and teacher's life was provided by the harmonious private life of a *bonus et diligens pater familias*. Sports also played a key part in his life: from first to last, he lived up to the principle of *mens sana in corpore sano*; in the 1970s, he won a gold medal with his team in hammer throw at the National Athletic Championship.

As a teacher, during his almost half-a-century-long activity at the university, he made several thousands of law students acquainted with and like Roman law. He was able to pass his knowledge plastically, with the one-time practising lawyer's sensitivity of problems of real life and with the scholar's thorough grounding – in the spirit of his lecturer's creed taken over from Professor Pólay – as a *Schulmeister*.

4 Molnár, I.: Grundprinzipien des römischen Strafrechts. In: *A bonis bona discere: Festgabe für János Zlinszky zum 70. Geburtstag*. Miskolc, 1998. 189–208; Das adulterium als ein das Ansehen der römischen Familie verletzendes Verbrechen. In: *Status familiae. Festschrift für Andreas Wacke zum 65. Geburtstag*. Munich, 2001. 345–364; Ausgewählte gesetzliche Straftatbestände im antiken Rom und in unserem geltendem Recht. In: *Roman Law as Formative of Modern Legal Systems. Studies in Honour of Wiesław Litewski*. Kraków, 2004. 15–24.

5 Molnár, I.: Periculum emptoris im römischen Recht der klassischen Periode. In: *Sodalitas. Scritti in onore di Antonio Guarino*. Napoli, 1984. 2227–2255; Die Frage der Gefahrtragung und des Eigentumsüberganges beim Kauf. *Index* 1987. 57–75.

By the death of the master and friend – who unselfishly helped, supported his colleagues, students in word and deed – Imre Molnár, by the last member of the Romanistics generation following Elemér Pólay (1915–1988) and Róbert Brósz (1915–1994) – where, listing the most significant ones, György Diószdi (1934–1973), Ferenc Benedek (1926–2007), and János Zlinszky (1928–2015) also belonged to – making his exit, the great age of Hungarian Romanistics has ended. *Sit ei terra levis!*

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