



**FACULTY
OF LAW**
Masaryk University

Introduction into Roman Law and its Further Development





- Teachers:
 - JUDr. Mgr. Radek Černocho, Ph.D.
 - Mgr. Lucie Mrázková
 - JUDr. Pavel Salák, Ph.D.
- Written exam
- Syllabus (order subject to change)
 - 1. Introduction into Roman Law and its Further Development
 - 2. Possession and Types of Thing (dr. Salák)
 - 3. Roman State and Sources of Law
 - 4. Ownership and Easements (Mgr. Mrázková)
 - 5. Law of Obligations – General Part (dr. Salák)
 - 6. Legal Personality and Family
 - 7. Juridical Acts and Procedural Law
 - 8. Torts
 - 9. Contracts – Verbal Contracts, Literary Contracts, Real Contracts
 - 10. Consensual Contracts
 - 11. Law of Succession – Testamentary and Intestate Succession
 - 12. Law of Succession – Position of Heir and Singular Succession



Literature

- PLESSIS, Paul du. *Borkowski's Textbook on Roman Law*. 4th ed. Oxford: Oxford University Press, 2010. xvi+427 p. ISBN 978-0-19-957488-9.
- Any other you may encounter in almost any language (usually not problem if an older one):
 - Kaser, Brutti, Guarino, O. F. Robinson, Longchamps de Bériér, Dajczak, Zimmermann, etc. (no particular order)



It's Your Turn

- Where are you from, your studies, language skills, previous knowledge of Roman law, expectations, etc.



Roman Law

- Legal Order of Ancient Roman Empire
- University subject (introduction to legal thinking and system)
- Aid for Interpretation



Roman Law – When?

- From 753? BC
- Till AD: 476, 486, 1453, 1900, 1946, still in force?



Roman Law – Where?

- Rome
- Italy
- Mediterranean Area
- Continental Europe
- England
- Germany
- Japan
- USA
- RSA

Ancient Rome

- Of course
- See other lessons
- Then Reception of Roman Law
 - Byzantine Empire
 - *Leges Romanae Barbarorum*
 - Middle Ages and Modern Period (next slides)
 - Church (*ecclesia vivit lege Romana*)



- CTh, 1070 *Littera Florentina*, Bologna, *mos italicus*
- *Unum sit ius cum unum est imperium.*
- *Glossatores*
 - Irnerius: *Quattuor doctores* (Martinus, Bulgarus, Jacobus, Hugo)
 - Accursius: *Glossa ordinaria*
 - *Chi non ha Azzo non vada in palazzo.*
 - *Quidquid non adgnoscit glossa, non adgnoscit iura.*
- *Commentatores*
 - *ius commune* (PIL)
 - Bartolus de Saxoferrato (*Nemo iurista nisi Bartolista*),
 - Baldus de Ubaldis



France

- *Breviarium Alaricianum*, Provence, Bourges, Montpellier
- provensálský *Lo Codi* (*summa* ke *Codici Iustiniano*)
- Pope Honorius III.: 1219 *bull*a *Super specula*: Teaching Roman Law in Sorbonna forbidden
- *Rex Franciae est imperator in regno suo.* => *imperio rationis*
- Humanismus 16. st. => *mos gallicus*
 - kriticko-historická a filologická metoda (příklad)
 - *Absynthium Accursianum bibere.* Hotomanus: Antitribonianus
 - *Graeca (non) leguntur*
 - Alciatus, Duarenus, Haloender, Cuiacius,
 - 1572 *Massacre de la Saint-Barthélemy*
 - 1583 Dionysius Gothofredus: *CIC* (obrázek)





- *Translatio imperii*, 1125–1137. *Lotharische Legende*
- 1495 *Reichskammergericht* => cameral jurisprudence
 - *ius commune*=*mos italicus*=*gemeines Recht*, no need to prove
- 16th–18th *Usus modernus Pandectarum*
 - Samuel Stryk, Benedict Carpzow, Ulrich Zasius, Samuel Pufendorf
- 19th Historickopravní škola
 - *Volksgeist*, CIC
 - Friedrich Carl von Savigny, Georg Friedrich Puchta, Mommsen
- 2nd half of 19th. Pandektenrecht
 - BGB: *Allgemeiner Teil, Recht der Schuldverhältnisse, Sachenrecht, Familienrecht, Erbrecht*
 - Karl Ludwig Arndts von Arnesberg (Lehrbuch der Pandekten)
 - Rudolph von Jhering: *Geist des Römischen Rechts, Begriffsjurisprudenz*

UK

- 1139 Vacarius (Bologna/Oxford): *Liber Pauperum*
- 1236 *Nolumus leges Angliae mutari*
- *Common law v. Law of equity*
- Scotland (reception under the Houses of Tudor and Stuart)



The Netherlands

- 1572 *Massacre de la Saint-Barthélemy*
- 1575 Leyden
- School of Elegant jurisprudence
- critical-historical studies and legal practice
- *Roman-Dutch Law*
- Donellus, Johannes de Voet, Gerhard Noodt



Are There Any Questions?

- ... if not, thank You for Your attention