

Dear Students of Roman Law and the Civilian Tradition,

Welcome to your first year of the new international Bachelor of Laws (LL.B.) programme at the University of Vienna!

Roman Law and the Civilian Tradition is one of the mandatory subjects of your first year of studies. Roman law is studied in order to familiarize you with the foundations and origins of modern Civil Law. Roman law cases from Antiquity will allow you to start “**thinking like a lawyer**” by analysing the decisions taken by Roman jurists and solving private law cases in the areas of **Property Law** and the **Law of Obligations**. Roman law is also used as an introduction to the (English) **terminology** and the methodology of private law in the **Civil Law Systems** i.e. legal systems influenced by Roman Law (“Civilian tradition”) as opposed to the Common Law tradition.

Particular emphasis will be placed on the **analysis of Roman Law cases** (decisions by Roman jurists), using the technique of “arguing from case to case”, which is highly relevant both for lawyers working in a Common Law context (where judge-made case law is recognized as a crucial source of law) and for the practice of law in the Civilian systems (where the analysis of Supreme court decisions or the decisions of the ECJ is an essential part of legal work as well). We will also trace the impact many of these decisions have had on modern Civil law.

The **mandatory exam** in “Roman law and the Civilian Tradition” is a **two-hour written exam** intended to be taken at the end of your second term. You will be expected to solve private law cases, write detailed legal analyses of excerpts from Roman sources, and answer questions on the history and evolution of Roman law and modern Civil law systems.

The Department of Roman Law and Antique Legal History offers two interactive courses, **Case Studies in Roman Property Law** (starting in the **winter term** of 2021/22) and **Case Studies in the Roman Law of Obligations** (starting in the **summer term** of 2022). Both courses are specifically designed to prepare you for the exam on “Roman Law and the Civilian Tradition” by providing hands-on training in the solution and analysis of Roman law cases. Please register for these courses on USPACE or via the online course directory. While not obligatory, the courses are **highly recommended** as targeted preparation for what is an extensive and demanding legal examination covering a significant amount of material.

Required readings for Roman Law and the Civilian Tradition:

Benke/Meissel, Roman Law of Property. Origins and Basic Concepts of Civil Law Vol. I (translated by Caterina Maria Grasl) Manz 2019

Benke/Meissel, Roman Law of Obligations. Origins and Basic Concepts of Civil Law Vol. II (translated by Caterina Maria Grasl) Manz 2021

To obtain a basic knowledge of Roman legal history and the history of the Civil Law Tradition, we recommend: **Hausmaninger, The Civil Law Tradition** in: Hausmaninger, The Austrian Legal System, 4th ed., 269–292.

Univ.-Prof.- Dr. Franz-Stefan Meissel

on behalf of the Department of Roman Law and Ancient Legal History