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” and solve 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 the Roman Law (“Civilian tradition”) as opposed to the Common Law tradition.

Particular emphasis will be put on the analysis of Roman Law cases (decisions of 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 are an essential part of legal work as well).

At the end of the second semester (June 2022) the mandatory exam in “Roman law and the Civilian Tradition” is a 2 hour written exam where students have to solve private law cases and write a commentary (“exegesis”) of a Roman law case decision.

In order to prepare students for this exam, 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 in “Roman Law and the Civilian Tradition” at the end of the first year by providing hands-on training in the solution and exegesis of Roman law cases. 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.

The case study courses (“Übungen”) in the winter semester are taught on Fridays, 12h30-14h30 (starting with Oct 8th 2021) by Professor Franz-Stefan Meissel (in the lecture hall U 10) and DDR. Caterina M. Grasl (in the lecture hall U 11). Please register for these courses using the univis system!

Required readings for Roman Law and the Civilian Tradition:

We would also like to draw your attention to the lectures (in German) on Roman Property Law of Prof. Richard Gamauf (**KU Römisches Sachenrecht** [Course on Roman Property Law]), in the upcoming winter semester, which gives you a further opportunity to actively engage with the subject matter, and for the summer semester to the **KU Römisches Schuldrecht** [Course on the Roman Law of Obligations], a topic which students should study during the second semester.

Univ.-Prof.- Dr. Franz-Stefan Meissel
On behalf of the Institute of Roman Law and Ancient Legal History
PUE Case Studies in Roman Property Law

The PUE Case Studies in Roman Property Law offers a comprehensive and accessible introduction to Roman Law and the foundations of the Civilian tradition. It provides an introduction to the basic principles, concepts, and modes of thought and argumentation of Roman Law and offers active training in the solution of Roman-Law cases and the exegesis (explication and discussion) of Roman sources. In addition, it aims to acquaint students with the historical foundations of modern private property law within the European Civil-Law tradition and gives a comprehensive introduction to the relevant terminology in English. Covid regulations permitting, the class will be taught on site (with the exception of one online session on 15 October, see the course schedule); the course schedule and short written tasks will be made available on the Moodle platform. For details on the course’s aims, methodology, and contents, please see the online course directory. Required reading is Benke/Meissel, Roman Law of Property (Manz 2019). The class is aimed at students in their first semester of the IREWI programme. While not obligatory, it is highly recommended as targeted preparation for the exam in Roman Law at the end of the first year.

Course schedule:

- 8 October: Introductory remarks; cases 1 and 2; possession (pp. 1–24)
- 15 October: Possession 1 (exceptionally online via Zoom) (pp. 25–42)
- 22 October: Possession 2 (pp. 43–54)
- 29 October: Losing possession; ownership (overview) (pp. 55–81)
- 5 November: Transfer of ownership (incl. comparative law) (pp. 82–98)
- 12 November: Usucaption (incl. comparative law) (pp. 99–125)
- 19 November: 1st exam
- 26 November: Natural modes of acquisition (pp. 126–151)
- 3 December: Civil procedure (pp. 152–177)
- 10 December: Pledge 1 (pp. 189–209)
- 17 December: Pledge 2; Servitudes (pp. 209–220; 178–188)
- 7 January: 2nd exam
- 14 January: Exam debriefing
- 21 January: Substitute exam

The page numbers refer to the relevant sections of Benke/Meissel, Roman Law of Property (Manz 2019) that are to be read and prepared prior to the respective sessions.