THEORY AND INSTITUTES OF ROMAN LAW FROM A HISTORICAL ASPECT
The history of legal thinking in Roman law
Fall 2014
(Dr. János ERDODY PhD, assistant professor)

Planned topics as follows:

- Introduction: The concept and importance of justice (*iustitia*); the essence of the natural law thinking. Normative systems in Roman law (*ius civile*, *ius gentium*, *ius naturale*) – a general outline
- Archaic law: the foundation of Rome, the roots of legal thinking: *legislatio* and *iurisdictio*.
- The Law of the Twelve Tables, pontifical interpretation.
- Methodology in archaic times – a comparative aspect: *interpretatio*, potifical *interpretatio* and *analogia*.
- The reconstruction of the *legis actio sacramento in rem*.
- Legal thinking of the archaic and preclassical times: *agere*, *cavere*, *respondere* (*consulere*).
- Classical law: The praetorian development of law and its means; the *edictum*. *Ius civile* vs *ius praetorium*.
- The concept of *ius naturale*: its approach in Roman thought and in the modern era
- The concept and importance of *rerum natura* in the classical law.
- An example of differences between classical Roman law and the interpretation of Pandectistic: the question of *nasciturus*.

Literature:

WOLFGANG WALDSTEIN: Entscheidungsgrundlagen der klassischen römischen Juristen. *ANRW II 15*. 3-99.
WOLFGANG WALDSTEIN: *Saggi sul diritto non scritto*. Padova, CEDAM, 2002.
DARIO MANTOVANI – ALDO SCIAVONE (szerk.): *Testi e problemi del giusnaturalismo romano*. Pavia, IUSS Press, 2007.
PÓLAY ELEMÉR: *A római jogászok gondolkodásmódja*. Budapest, Tankönyvkiadó, 1988.
ZLINSZKY JÁNOS: *Állam és jog az ősi Rómában*. Budapest, Akadémiai Kiadó, 1996.
FÖLDI ANDRÁS: *A jóhiszeműség és a tisztesség elve. Intézménytörténeti vázlat*. Publicationes Instituti Iuris Romani Budapestinensis. Budapest, 2001.
WOLFGANG KUNKEL: *Herkunft und soziale Stellung der römischen Juristen*. Wien, Verlag Böhlau, 1952.
PIERRE HADOT: *La citadelle intérieure. Introduction aux Pensées de Marc Aurèle*. Paris, Fayard, 1992.
REGINALDO M. PIZZORNI: *Il diritto naturale dalle origini a S. Tommaso d'Aquino*. Bologna, 2000.
ANTHONY ARTHUR LONG: *Hellenistic Philosophy. Stoics, Epicureans, Sceptics*. Berkley – Los Angeles, University of California Press, 1986[2].
ARTHUR A. SCHILLER: *Roman law: mechanisms of development*. Walter de Gruyter, 1978.
PETER STEIN: *Roman Law in European History*. Cambridge, 2003[7]. = *A római jog Európa történetében*. Fordította: FÖLDI ÉVA. Budapest, Osiris Kiadó, 2005.
PETER STEIN: *Regulae iuris. From Juristic Rules to Legal Maxime*. Edinburgh, 1966.
TONY HONORÉ: *Ulpian – pioneer of human rights*. Oxford, 2005.

Close tests are preset:

October 13th(focusing on lexical knowledge, NO additional materials are allowed)
December 01st (focusing on understanding sources, additional materials can be used)