

Römisches Privatrecht (Römisches Vermögensrecht) / Roman Private law

Prof. Dr. Elsemieke Daalder

Deeply rooted in the fabric of continental Europe's legal systems, we find the law of the Romans. Over the course of the last millennium, Roman law has exerted a continuous influence on legal scholarship and legal practice. Following the discovery of the heart of Justinian's *Corpus Iuris Civilis*, the Digest, in the 11th century in northern Italy, Roman law has spread across Europe, and far beyond.

Modern private law is arguably the area most influenced by Roman law. Knowledge of the fundamental principles of the Roman law of property and the law of obligations is therefore particularly useful to understand their modern-day equivalents. Consequently, this course will focus on these areas of law. In the first part of the course, the most important principles of Roman property law will be covered. Attention will be given to the distinction between real and personal rights, ownership, possession, transfer of property, prescription and real security rights. Then, we will shift our focus to the law of obligations and study the formation of Roman contracts, their different forms, their performance and contractual and extracontractual liability.

As such, this course will focus on substantive Roman law. To get a complete overview of the Roman legal system, students are encouraged to take the course *Römische Grundlagen europäischer Privatrechte (Römische Rechtsgeschichte)/Roman legal history* as well. That course focuses on the historical development of Roman law from the Law of the XII Tables until the *Corpus Iuris Civilis* of Justinian. This is, however, by no means a requirement for participation in this course.