KUNKEL, W. THE RECEPTION OF ROMAN LAW IN GERMANY. pdf

1: Pre-Reformation Germany | National Library of Australia

The reception of Roman law had especially far-reaching consequences in Germany, where in modified form (the law of pandect), Roman law prevailed until the 19th century. The spread of Roman law in medieval Europe prepared the way for the incorporation of many of its provisions in the basic codifications of bourgeois civil law, notably the French.

Post-classical law[edit] By the middle of the 3rd century, the conditions for the flourishing of a refined legal culture had become less favourable. The general political and economic situation deteriorated as the emperors assumed more direct control of all aspects of political life. The political system of the principate , which had retained some features of the republican constitution, began to transform itself into the absolute monarchy of the dominate. The existence of a legal science and of jurists who regarded law as a science, not as an instrument to achieve the political goals set by the absolute monarch, did not fit well into the new order of things. The literary production all but ended. Few jurists after the mid-3rd century are known by name. While legal science and legal education persisted to some extent in the eastern part of the Empire, most of the subtleties of classical law came to be disregarded and finally forgotten in the west. Classical law was replaced by so-called vulgar law. Substance[edit] Concept of laws[edit] ius civile , ius gentium , and ius naturale â€" the ius civile "citizen law", originally ius civile Quiritium was the body of common laws that applied to Roman citizens and the Praetores Urbani , the individuals who had jurisdiction over cases involving citizens. The ius gentium "law of peoples" was the body of common laws that applied to foreigners, and their dealings with Roman citizens. The Praetores Peregrini were the individuals who had jurisdiction over cases involving citizens and foreigners. Jus naturale was a concept the jurists developed to explain why all people seemed to obey some laws. Their answer was that a " natural law " instilled in all beings a common sense. In practice, the two differed by the means of their creation and not necessarily whether or not they were written down. The ius scriptum was the body of statute laws made by the legislature. The laws were known as leges lit. Roman lawyers would also include in the ius scriptum the edicts of magistrates magistratuum edicta , the advice of the Senate Senatus consulta , the responses and thoughts of jurists responsa prudentium , and the proclamations and beliefs of the emperor principum placita. Ius non scriptum was the body of common laws that arose from customary practice and had become binding over time. An example of this is the law about wills written by people in the military during a campaign, which are exempt of the solemnities generally required for citizens when writing wills in normal circumstances. In the Roman law ius privatum included personal, property, civil and criminal law; judicial proceeding was private process iudicium privatum ; and crimes were private except the most severe ones that were prosecuted by the state. Public law will only include some areas of private law close to the end of the Roman state. Ius publicum was also used to describe obligatory legal regulations today called ius cogensâ€"this term is applied in modern international law to indicate peremptory norms that cannot be derogated from. These are regulations that cannot be changed or excluded by party agreement. Those regulations that can be changed are called today ius dispositivum, and they are not used when party shares something and are in contrary. Concepts that originated in the Roman constitution live on in constitutions to this day. Examples include checks and balances , the separation of powers , vetoes , filibusters , quorum requirements, term limits , impeachments , the powers of the purse , and regularly scheduled elections. Even some lesser used modern constitutional concepts, such as the block voting found in the electoral college of the United States , originate from ideas found in the Roman constitution. The constitution of the Roman Republic was not formal or even official. Its constitution was largely unwritten, and was constantly evolving throughout the life of the Republic. Throughout the 1st century BC, the power and legitimacy of the Roman constitution was progressively eroding. Even Roman constitutionalists, such as the senator Cicero , lost a willingness to remain faithful to it towards the end of the republic. The belief in a surviving constitution lasted well into the life of the Roman Empire. Ius privatum , Stipulatio , and Rei vindicatio Stipulatio was the basic form of contract in Roman law. It was made in the format of question and answer. The precise nature of the contract was disputed, as can be seen below. Rei vindicatio is a legal action by which the plaintiff demands that the defendant return a thing that belongs to the plaintiff. The plaintiff could also institute an actio furti a personal

action to punish the defendant. If the thing could not be recovered, the plaintiff could claim damages from the defendant with the aid of the condictio furtiva a personal action. With the aid of the actio legis Aquiliae a personal action , the plaintiff could claim damages from the defendant. Rei vindicatio was derived from the ius civile , therefore was only available to Roman citizens. The individual could have been a Roman citizen status civitatis unlike foreigners, or he could have been free status libertatis unlike slaves, or he could have had a certain position in a Roman family status familiae either as the head of the family pater familias , or some lower member. Two status types were senator and emperor. Roman litigation The history of Roman Law can be divided into three systems of procedure: The periods in which these systems were in use overlapped one another and did not have definitive breaks, but it can be stated that the legis actio system prevailed from the time of the XII Tables c. AD , and that of cognitio extra ordinem was in use in post-classical times. Again, these dates are meant as a tool to help understand the types of procedure in use, not as a rigid boundary where one system stopped and another began. He had to be a Roman male citizen. The parties could agree on a judge, or they could appoint one from a list, called album iudicum. They went down the list until they found a judge agreeable to both parties, or if none could be found they had to take the last one on the list. No one had a legal obligation to judge a case. The judge had great latitude in the way he conducted the litigation. He considered all the evidence and ruled in the way that seemed just. Also, there was a maximum time to issue a judgment, which depended on some technical issues type of action, etc. Later on, with the bureaucratization, this procedure disappeared, and was substituted by the so-called "extra ordinem" procedure, also known as cognitory. The whole case was reviewed before a magistrate, in a single phase. The magistrate had obligation to judge and to issue a decision, and the decision could be appealed to a higher magistrate.

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2: Wiki: Roman law - upcScavenger

The reception of Roman law: Reception of Roman law in Germany was so complete that we speak of an in complexu reception. NB reasons for this reception: Variety in the law: T here was a need for a more general, better developed legal system which Roman law could satisfy.

Emory University Introduction and Sources "But as Alexander was a modest and dutiful youth, of only seventeen years of age, the reins of government were in the hands of two women, of his mother Mamaea, and of Maesa, his grandmother. After the death of the latter, who survived but a short time the elevation of Alexander, Mamaea remained the sole regent of her son and of the empire. Modern Library Edition, p. How much does the personality of the ruler matter? Less and less, it should seem. Be he boy, buffoon, or philosopher, his conduct may not have much effect on the administration. Habit and routine took over, with groups and grades of bureaucrats at hand to fill the posts. The significance of the latter invites brief discourse about the four women known as the " Severan Julias ," whose origin was Syria. Julia Domna became the second wife of Septimius Severus and bore him two sons, the later emperors Caracalla and Geta. Her role in the administration of her husband was significant, which her expansive titulature, "mother of the camp and the senate and the country," reflected. Her sister, Julia Maesa , had two daughters, each of whom produced a son who was to become emperor. Julia Soaemias was the mother of Elagabalus, and shared his fate when he was assassinated. Julia Mamaea bore Alexander, who succeeded his cousin; he was very young and hence much under the control of grandmother and mother. For the first time in its imperial history, the empire of Rome was de facto, though not de iure, governed by women. The literary sources, while numerous, are limited in value. Chief among them, at least in scope, is the biography in the Historia Augusta, much the longest of all the lives in this peculiar collection. Though purporting to be the work of six authors in the early fourth century, it is now generally considered to have been produced by one author writing in the last years of this century. Spacious in its treatment of the emperor and extremely favorable to him on the whole, it has little historical merit, seeming rather an extended work of fiction. It must be used with the utmost caution. Another contemporary, Dio Cassius, who was consul in and whose judgments would have been most valuable, is unfortunately useless here, since his history survives only in abbreviated form and covers barely a page of printed text for the whole reign Book Aurelius Victor, Eutropius, the Epitome de Caesaribus, and other Latin sources are extremely brief, informing us of only the occasional anecdote. Christian writers make minimal contribution; legal texts offer much instruction, particularly those dealing with or stemming from Ulpian; coins, inscriptions, papyri, and archaeology help fill the gaps left by the literary sources. He was raised quietly and well educated, at the instance of his mother. In June of that year, Elagabalus defeated Macrinus and succeeded him as emperor. Alexander and Mamaea were soon rehabilitated. In mid , he assumed the toga virilis, was adopted by Elagabalus as a colleague, was granted the name Alexander, and elevated to the rank of Caesar. There had been talk that he was the illegitimate child of Caracalla , which won him support among the army, and this was confirmed, at least for public consumption, by his filiation in the official titulature back to Septimius. He was now styled Imp. Aurelii Antonini Pii Felicis Aug. Aurelius Alexander, nobilissimus Caesar imperi et sacerdotis, princeps iuventutis. The connection with Septimius Severus was crucial, since he was the only one of these predecessors who had been deified. Less than a year later, on March 13, , with the murder of Elagabalus , Alexander was hailed as emperor by the army. He considered this date as his dies imperii. He was immediately thereafter given the titles of Augustus, pater patriae, and pontifex maximus. His Principate; Grandmother, Mother, Ulpian Having had no experience in government, the young emperor was largely dependent upon the two senior women in his life to guide his actions. He was even unable to protect Ulpian against the anger of the praetorians, who then murdered the jurist in Seius Sallustius PIR2 M 27 , was perhaps raised to the rank of Caesar by Alexander and was put to death in on a charge of attempted murder of the emperor. In those dangerous circumstances, his abilities, which had not earlier been honed, proved inadequate. Domestic Policy Perhaps the greatest service which Alexander furnished Rome, certainly at the beginning of his reign, was the return to a sense of sanity and tradition after the madness and fanaticism of Elagabalus. He

is said to have honored and worshipped a variety of individuals, including Christ. Besides jurists in high office, literary figures were also so distinguished; Marius Maximus, the biographer, and Dio Cassius, the historian, gained second consulships, the former in , the latter in The last of the eleven great aqueducts, the aqua Alexandrina, was put into service in ; he also rebuilt the thermae Neronianae in the Campus Martius in the following year and gave them his own name. Of the other constructions, perhaps the most intriguing are the Diaetae Mammaeae, apartments which he built for his mother on the Palatine. They aspired to restore their domain to include all the Asian lands which had been ruled in the glory days of the Persian Empire. Since this included Asia Minor as well as all other eastern provinces, the stage was set for continuing clashes with Rome. But Rome gradually developed a defense against these incursions, and ultimately the emperor, with his mother and staff, went to the east in The result was an acceptance of the status quo rather than a settlement between the parties. This occurred in and Alexander returned to Rome. His presence in the west was required by a German threat, particularly along the Rhine, where the tribes took advantage of the withdrawal of Roman troops for the eastern war. The military situation had improved with the return of troops from the east, and an ambitious offensive campaign was planned, for which a bridge was built across the Rhine. But Alexander preferred to negotiate for peace by buying off the enemy. This policy outraged the soldiers, who mutinied in mid March and killed the emperor and his mother. A child when chance brought him to the principate, with only two recommendations, that he was different from Elagabalus and that he was part of the Severan family, he proved to be inadequate for the challenges of the time. Military experience was the prime attribute of an emperor now, which Alexander did not have, and that lack ultimately cost him his life. Collection Latomus , Calderini, A. London, Syme, R.

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3: Roman Law | www.enganchecubano.com

Kunkel, W. The reception of Roman law in Germany. Dahm, G. On the reception of Roman and Italian law in Germany. In the Library.

January 28, by Piyali Syam As lawyers know, legal systems in countries around the world generally fall into one of two main categories: There are roughly countries that have what can be described as primarily civil law systems, whereas there are about 80 common law countries. The main difference between the two systems is that in common law countries, case law â€" in the form of published judicial opinions â€" is of primary importance, whereas in civil law systems, codified statutes predominate. But these divisions are not as clear-cut as they might seem. In fact, many countries use a mix of features from common and civil law systems. Understanding the differences between these systems first requires an understanding of their historical underpinnings. As these decisions were collected and published, it became possible for courts to look up precedential opinions and apply them to current cases. And thus the common law developed. Civil law in other European nations, on the other hand, is generally traced back to the code of laws compiled by the Roman Emperor Justinian around C. Authoritative legal codes with roots in these laws or others then developed over many centuries in various countries, leading to similar legal systems, each with their own sets of laws. Lawyers still represent the interests of their clients in civil proceedings, but have a less central role. As in common law systems, however, their tasks commonly include advising clients on points of law and preparing legal pleadings for filing with the court. But the importance of oral argument, in-court presentations and active lawyering in court are diminished when compared to a common law system. In addition, non-litigation legal tasks, such as will preparation and contract drafting, may be left to quasi-legal professionals who serve businesses and private individuals, and who may not have a post-university legal education or be licensed to practice before courts. In contrast, in a common law country, lawyers make presentations to the judge and sometimes the jury and examine witnesses themselves. In these cases, lawyers stand before the court and attempt to persuade others on points of law and fact, and maintain a very active role in legal proceedings. And unlike certain civil law jurisdictions, in common law countries such as the United States, it is prohibited for anyone other than a fully licensed lawyer to prepare legal documents of any kind for another person or entity. This is the province of lawyers alone. As these descriptions show, lawyers almost always have a significant role to play in formal dispute resolution, no matter in which country they practice. But the specific tasks assigned to them tend to vary quite a bit. And outside the courtroom, tasks typically performed by lawyers in one country may be performed by skilled laypeople in another. Each country has its own traditions and policies, so for those who wish to know more about the role of legal practitioners in a particular nation it is important to do additional research. To provide readers with a jumping-off point, here are a few examples of countries that primarily practice common law or civil law.

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4: Germany and the Holy Roman Empire | www.enganchecubano.com

Civil law: Civil law, the law of continental Europe, based on an admixture of Roman, Germanic, ecclesiastical, feudal, commercial, and customary law. European civil law has been adopted in much of Latin America as well as in parts of Asia and Africa and is to be distinguished from the common law of the.

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5: German law | www.enganchecubano.com

The reception of Roman law into the continental legal systems took place in the following ways: First, the old, legally untrained jurors (SchOffm, Ichlvins,,tc.), comparable.

Media Roman law is the law system of ancient Rome , including the legal developments spanning over a thousand years of jurisprudence , from the Twelve Tables c. Roman law forms the basic framework for civil law, the most widely used legal system today, and the terms are sometimes used synonymously. The historical importance of Roman law is reflected by the continued use of Latin legal terminology in many legal systems influenced by it, including common law. From the 7th century onward, the legal language in the East was Greek. Roman law also denoted the legal system applied in most of Western Europe until the end of the 18th century. Roman law thus served as a basis for legal practice throughout Western continental Europe, as well as in most former colonies of these European nations, including Latin America, and also in Ethiopia. English and common law were influenced also by Roman law, notably in their Latinate legal glossary for example, stare decisis , culpa in contrahendo, pacta sunt servanda. Development Before the Twelve Tables â€" BC , private law comprised the Roman civil law ius civile Quiritium that applied only to Roman citizens, and was bonded to religion; undeveloped, with attributes of strict formalism, symbolism, and conservatism, e. The jurist Sextus Pomponius said, "At the beginning of our city, the people began their first activities without any fixed law, and without any fixed rights: It is believed that Roman Law is rooted in the Etruscan religion, emphasizing ritual. The first legal text is the Twelve Tables , dating from the mid-5th century BC. The plebeian tribune, C. Terentilius Arsa, proposed that the law should be written, in order to prevent magistrates from applying the law arbitrarily. After eight years of political struggle, the plebeian social class convinced the patricians to send a delegation to Athens , to copy the Laws of Solon; they also dispatched delegations to other Greek cities for like reason. In BC, according to the traditional story as Livy tells it , ten Roman citizens were chosen to record the laws decemviri legibus scribundis. While they were performing this task, they were given supreme political power imperium , whereas the power of the magistrates was restricted. In BC, the decemviri produced the laws on ten tablets tabulae , but these laws were regarded as unsatisfactory by the plebeians. A second decemvirate is said to have added two further tablets in BC. Modern scholars tend to challenge the accuracy of Roman historians. They generally do not believe that a second decemvirate ever took place. The decemvirate of is believed to have included the most controversial points of customary law, and to have assumed the leading functions in Rome. Furthermore, the question on the Greek influence found in the early Roman Law is still much discussed. Many scholars consider it unlikely that the patricians sent an official delegation to Greece, as the Roman historians believed. Instead, those scholars suggest, the Romans acquired Greek legislations from the Greek cities of Magna Graecia , the main portal between the Roman and Greek worlds. The original text of the Twelve Tables has not been preserved. The tablets were probably destroyed when Rome was conquered and burned by the Gauls in BC. The fragments which did survive show that it was not a law code in the modern sense. It did not provide a complete and coherent system of all applicable rules or give legal solutions for all possible cases. Rather, the tables contained specific provisions designed to change the then-existing customary law. Although the provisions pertain to all areas of law, the largest part is dedicated to private law and civil procedure. Early law and jurisprudence Many laws include Lex Canuleia BC; which allowed the marriageâ€" ius connubiiâ€"between patricians and , Leges Licinae Sextiae BC; which made restrictions on possession of public landsâ€" ager publicusâ€"and also made sure that one of the consuls was plebeian , Lex Ogulnia BC; plebeians received access to priest posts , and Lex Hortensia BC; verdicts of plebeian assembliesâ€" plebiscitaâ€"now bind all people. Another important statute from the Republican era is the Lex Aquilia of BC, which may be regarded as the root of modern tort law. This was achieved in a gradual process of applying the scientific methods of Greek philosophy to the subject of law, a subject which the Greeks themselves never treated as a science. Traditionally, the origins of Roman legal science are connected to Gnaeus Flavius. Flavius is said to have published around the year BC the formularies containing the words which had to be spoken in court to begin a legal action. Before the time of Flavius, these formularies are said

to have been secret and known only to the priests. Their publication made it possible for non-priests to explore the meaning of these legal texts. Whether or not this story is credible, jurists were active and legal treatises were written in larger numbers before the 2nd century BC. Among the famous jurists of the republican period are Quintus Mucius Scaevola who wrote a voluminous treatise on all aspects of the law, which was very influential in later times, and Servius Sulpicius Rufus, a friend of Marcus Tullius Cicero. Thus, Rome had developed a very sophisticated legal system and a refined legal culture when the Roman republic was replaced by the monarchical system of the principate in 27 BC. Pre-classical period In the period between about to 27 BC, we can see the development of more flexible laws to match the needs of the time. In addition to the old and formal ius civile a new juridical class is created: The adaptation of law to new needs was given over to juridical practice, to Magistratus , and especially to the. A praetor was not a legislator and did not technically create new law when he issued his edicts magistratuum edicta. In fact, the results of his rulings enjoyed legal protection actionem dare and were in effect often the source of new legal rules. In this way a constant content was created that proceeded from edict to edict edictum traslatitium. Thus, over the course of time, parallel to the civil law and supplementing and correcting it, a new body of praetoric law emerged. Ultimately, civil law and praetoric law were fused in the Corpus Juris Civilis. Classical Roman law The first years of the current era are the period during which Roman law and Roman legal science reached its greatest degree of sophistication. The law of this period is often referred to as the classical period of Roman law. The literary and practical achievements of the jurists of this period gave Roman law its unique shape. The jurists worked in different functions: They gave legal opinions at the request of private parties. They advised the magistrates who were entrusted with the administration of justice, most importantly the praetors. They helped the praetors draft their , in which they publicly announced at the beginning of their tenure, how they would handle their duties, and the formularies, according to which specific proceedings were conducted. Some jurists also held high judicial and administrative offices themselves. The jurists also produced all kinds of legal punishments. This edict contained detailed descriptions of all cases, in which the praetor would allow a legal action and in which he would grant a defense. The standard edict thus functioned like a comprehensive law code, even though it did not formally have the force of law. It indicated the requirements for a successful legal claim. The edict therefore became the basis for extensive legal commentaries by later classical jurists like Paulus and Ulpian. The new concepts and legal institutions developed by pre-classical and classical jurists are too numerous to mention here. Only a few examples are given here: Roman jurists clearly separated the legal right to use a thing ownership from the factual ability to use and manipulate the thing possession. They also found the distinction between contract and tort as sources of legal obligations. The standard types of contract sale, contract for work, hire, contract for services regulated in most continental codes and the characteristics of each of these contracts were developed by Roman jurisprudence. The classical jurist Gaius around invented a system of private law based on the division of all material into personae persons , res things and actiones legal actions. This system was used for many centuries. The Roman Republic had three different branches:

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6: 8 Reasons Why Rome Fell - HISTORY

In civil law: The German system. Roman law, as embodied in the Corpus Juris Civilis, was "received" in Germany from the 15th century onward, and with this reception came a legal profession and a system of law developed by professionals (Juristenrecht).

By bus[edit] Depending on the country your are leaving from towards Germany, different companies offer tickets. Eurolines, a cooperation of European bus companies, sells tickets to and from almost any other European country. The German partner is called Touring. All other companies can be found on the German search engines for long distance bus tickets busliniensuche. Due to the large number of immigrants from the former Yugoslavia, every major bus company from those countries serves routes to mostly Southern Germany. See also bus travel in the former Yugoslavia. The most popular options by far are to rent a car , or take the train. If the train is too expensive for you, travelling by arranged ride-sharing is often a viable alternative in Germany. By plane[edit] Domestic flights are mainly used for business, with the train being a simpler and often but not always cheaper alternative for other travel. The boom of budget airlines and increased competition has made some flight prices competitive with trains to some major cities. However make sure that you get to the right destination. Low-cost airlines in particular Ryanair are known for naming small airports in the middle of nowhere by cities km away e. The following carriers offer domestic flights within Germany: Cirrus Airlines [1] Focus on smaller business traveller routes within Germany and Europe. Close cooperation with Lufthansa on selected routes. By train[edit] Germany offers a fast and, if booked in advance, affordable railway system that reaches most parts of the country. Unless you travel by car, rail is likely to be your major mode of transport. Crossing Germany from Munich in the south to Hamburg in the north will usually take around 6h, while driving by car will take around 8h. Almost all long-distance and many regional trains are operated by Deutsche Bahn "German Rail" , the formerly state-run railway company. An interesting gimmick is the carbon dioxide emission comparisons for different train journeys. Top speeds are only reached on newly built or upgraded parts of the network; on "old" tracks the ICE will only go as fast as regular IC trains. On most main lines you will arrive significantly faster than by car. However when you book the ticket on-line in advance, you can get a considerable discount see Discounts. Reservations are not mandatory, but are recommended at peak times like weekends or holidays. The latter connect the larger European cities and are virtually identical to the regular ICs. These trains are also fairly comfortable, even if they lack the high-tech feeling of the ICE. Before you shell out the money for the ICE ticket, you may want to check if it actually makes a significant time difference. There are also long distance trains operated by other companies than Deutsche Bahn, usually running over secondary routes. These are usually comfortable enough and sometimes considerably cheaper, but most of them stop at almost every station en-route. In addition to being fast, modern and highly profitable, German railways are not known for delays, trains usually do not wait for one another most local trains normally do for up to 5min so you should not rely on connecting times of less than 15min. Regional and local trains in Germany come in several flavors: The same as RE, but goes between two regions Bundesland. Semi-express trains, skips some stations. On many routes, this is the highest available train category. Stops everywhere except that it may skip some S-Bahn stops. Commuter network for a city or metropolitan area but can travel fairly long distances. Only very few older S-Bahn trains offer the comfort of a toilet, which, however, often does not work. Urban transportation systems are usually ran by local companies that are publicly held: In larger urban areas, the local companies will often form a Verkehrsverbund or VB integrated public transport system: These urban transport networks are often but not always integrated with the DB network and Verkehrsverbund tickets are valid in local trains. Old keypad and new touchscreen DB ticket machines There are a few different locations where you can get your tickets: The engine will automatically look up the fastest connections. It will automatically offer the cheapest possible fare, including any applicable early-booking discounts in addition to the regular fare. Note that the fastest connections are not necessarily the cheapest ones - but you can exclude types of trains e. ICE to check for better deals. Depending on the connection tickets can be obtained as a "mobile" ticket that can be downloaded to your smartphone app,

"online" tickets that can be printed out at home and via mail. At a vending machine. If already at the station, find a new touchscreen ticket machine, tap the British Union flag, and then navigate through the menus. Like the on-line engine, they will automatically suggest the fastest routes, and credit cards are accepted. The machines sell all DB train tickets including some international tickets, network tickets and tickets for local VB. The new touchscreen machines accept credit cards, but the old ones do not. Ticket machines for the local Verkehrsverbund are yellow, white or grey. They can be used on all local transport in the area, including DB trains, but are not valid outside it. On secondary routes, vending machines placed inside trains are becoming a common sight, usually leaving smaller stations without vending machines. If a station is not equipped with a vending machine, you are allowed to buy your ticket inside the train. If there is no vending machine either, you are obliged to ask staff what to do: At a manned ticket counter. Head to any major train station Hauptbahnhof and find the Reisezentrum. You will need to queue and some cheap on-line offers may not be available. It has become quite uncommon to buy tickets at the counter, because ticket machines are situated at every DB train stop - even at the smallest whistle stop. Still, if you need help buying a ticket, just go to the counter as staff there speak English and can be very helpful to new arriving visitors. Almost all conductors speak English. However, tickets are not sold on regional and local trains so you need to buy them at the station. Drivers on buses and trams, though, usually do sell tickets, but the assortment may be limited. The basic unit of confusion is the Verkehrsverbund VB , or "tariff union", which is basically a region around a large city or sometimes almost the whole Bundesland federal state that has a single tariff system. Those tariff systems can be totally different from city to city. Any travel within a single Verkehrsverbund is "local" and usually quite cheap; but any travel between Verkehrsverbunde requires either a special within North Rhine-Westphalia or the full DB fare and will usually be considerably more expensive. The catch is that DB trains often cross between Verkehrsverbunde with no warning at all, and your "local" ticket then stops being valid the instant you cross the invisible line. With many local machines and old DB machines in the Frankfurt area, figure out the four-digit code for your destination, found on a panel of densely packed print nearby. Poke the flag button to switch to English, punch in the code for your destination station on the keypad, then hit the appropriate button in the left "adult" row below to pick your ticket. The first button is always one-way single Einzelfahrausweis. A price will be displayed: For new blue DB machines, select the local tariff union in the top menu, and the rest is easy. If you buy a local VB ticket, you will usually have to validate it by time stamping it at the bright yellow punch machines located on platforms. If you have no valid ticket or an un-punched ticket, you will be fined as a fare dodger. Ticket validity varies randomly from one VB to another: Unlimited transfers between trains, buses, etc. Discounts may be given for return trips, and one-day tickets Tageskarte are usually cheaper and much less hassle that single tickets, although zone limits apply to them as well. You can often pick up brochures attempting to explain all this, usually with helpful maps, and occasionally even in English, at a local Reisezentrum ticket office. Regional train tickets are point-to-point, with the destinations written on the ticket. They are valid only on trains but in North Rhine-Westphalia , they are also on certain other means of public transport , although for long-distance tickets, you may have the option to add on a local transport ticket at your destination for a few euro extra. Discounts[edit] As standard fares are relatively expensive, there is a sometimes confusing set of special promotions and prices the rail companies offer at various times tests showed that even many railway employees at ticket counters failed to find the best bargain. Your best course of action is to check their website or to ask at a train station or their telephone hotline for current details. If you search a connection with the on-line timetable , it offers you automatically a most favourable discount for desired journey. Try several departure times as discount tickets are limited and may be sold out for your initial choice. If you plan to travel a bit more extensively, a BahnCard or rail pass may be the better choice. The actual price varies according to the demand on various days and relations. You should purchase it on-line at least three days in advance. Use a Preis Finder in German to find a cheapest Sparpreis variant for your journey. The international version of this is call Europa-Spezial , which is available for certain connections to and from neighboring countries. These tickets are valid only valid for the connection indicated on the ticket and have a special cancellation policy. For short journeys, the network tickets can be cheaper. Children up to fourteen years travel free when accompanied by at least one of their

parents or grandparents.

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7: What is the Difference Between Common Law and Civil Law? - Blog | @WashULaw

Inquisitorial Legal Systems: France and Germany Peter Handford FACULTY OF LAW. 15th C Reception of Roman law.

Codex[edit] Justinian acceded to the imperial throne in Constantinople in The commission completed its work within three years, in Codex Justinianus The "Codex" was the first part to be finished, on 7 April It contained in Latin most of the existing imperial constitutiones imperial pronouncements having force of law , back to the time of Hadrian. It used both the Codex Theodosianus and the fourth-century collections embodied in the Codex Gregorianus and Codex Hermogenianus , which provided the model for division into books that were themselves divided into titles. These works had developed authoritative standing. It is not known whether he intended there to be further editions, although he did envisage translation of Latin enactments into Greek. Legislation about religion[edit] Numerous provisions served to secure the status of Christianity as the state religion of the empire, uniting Church and state, and making anyone who was not connected to the Christian church a non-citizen. Note that in this regard the Christianity referred to is orthodox Roman Christianity as defined by the state church, which excluded a variety of other Christian sects in existence at the time. Laws against heresy[edit] The very first law in the Codex requires all persons under the jurisdiction of the Empire to hold the Christian faith. This was primarily aimed against heresies such as Nestorianism. This text later became the springboard for discussions of international law, especially the question of just what persons are under the jurisdiction of a given state or legal system. Laws against paganism[edit] Other laws, while not aimed at pagan belief as such, forbid particular pagan practices. For example, it is provided that all persons present at a pagan sacrifice may be indicted as if for murder. Digest Roman law The Digesta or Pandectae, completed in , is a collection of juristic writings, mostly dating back to the second and third centuries. Fragments were taken out of various legal treatises and opinions and inserted in the Digest. The Digest, however, was given complete force of law. Institutes of Justinian As the Digest neared completion, Tribonian and two professors, Theophilus and Dorotheus , made a student textbook, called the Institutions or Elements. As there were four elements, the manual consists of four books. The Institutiones are largely based on the Institutiones of Gaius. Two thirds of the Institutiones of Justinian consists of literal quotes from Gaius. The new Institutiones were used as a manual for jurists in training from 21 November and were given the authority of law on 30 December along with the Digest. Novellae Constitutiones The Novellae consisted of new laws that were passed after Continuation in the East[edit] The term Byzantine Empire is used today to refer to what remained of the Roman Empire in the Eastern Mediterranean following the collapse of the Empire in the West. Thus the tradition of Byzantine law was created. New Greek legal codes , based on Corpus Juris Civilis, were enacted. The most known are: Ecloga [12] â€”enacted by emperor Leo the Isaurian , Proheiron [13] c. At 60 volumes it proved to be difficult for judges and lawyers to use. There was need for a short and handy version. This was finally made by Constantine Harmenopoulos , a Byzantine judge from Thessaloniki , in He made a short version of Basilika in six books, called Hexabiblos. This was widely used throughout the Balkans during the following Ottoman period, and along with the Basilika was used as the first legal code for the newly independent Greek state in the s. Serbian state, law and culture was built on the foundations of Rome and Byzantium. Therefore, the most important Serbian legal codes: After the liberation from the Turks in the Serbian Revolution , Serbs continued to practise Roman Law by enacting Serbian civil code in Recovery in the West[edit] Corpus Iuris Civilis, This section needs additional citations for verification. Please help improve this article by adding citations to reliable sources. Unsourced material may be challenged and removed. The only western province where the Justinianic code was effectively introduced was Italy, following its recovery by Byzantine armies Pragmatic Sanction of , but a continuous tradition of Roman law in medieval Italy has not been proven. Historians disagree on the precise way the Corpus was recovered in Northern Italy about The tradition was carried on by French lawyers, known as the Ultramontani , in the 13th century. The provenance of the Code appealed to scholars who saw in the Holy Roman Empire a revival of venerable precedents from the classical heritage. The new class of lawyers staffed the bureaucracies that were beginning to be required by the princes of Europe. The legal thinking behind the Corpus Juris Civilis

served as the backbone of the single largest legal reform of the modern age, the Napoleonic Code , which marked the abolition of feudalism. Napoleon wanted to see these principles introduced to the whole of Europe because he saw them as an effective form of rule that created a more equal society and thus creating a more friendly relationship between the ruling class and the rest of the peoples of Europe. Scott did not base his translation on the best available Latin versions, and his work was severely criticized. Blume used the best-regarded Latin editions for his translations of the Code and of the Novels.

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8: Roman Emperors - DIR Alexander Severus

Roman law continued to influence European law after the fall of the Western Roman Empire to Germanic tribal rule, but it did so not as territorial law but as merely the personal law of the section of the population claiming to be Roman rather than Germanic.

Whereas the criminal legal systems of most English-speaking countries are based on English common law, those of most European and Latin American countries, as well as many countries in Africa and Asia, are based on civil law. The civil-law tradition originated in theâ€¦ The historical rise of civil law In the 5th and 6th centuries ce, western and central Europe were dominated by Germanic peoples , especially those who had overrun the Roman Empire. Although the traditions of Roman law endured for some time, Germanic customs came to prevail in most regions. In the Middle Ages these customs underwent vigorous growth in an effort to satisfy the complex needs stemming from the development of feudalism and chivalry , the growth of cities, Eastern colonization, increasing trade, and an increasingly refined culture. Among the many strands that went into the weaving of the complex pattern of medieval law, the customs of merchants and the canon law of the Roman Catholic Church were of special significance. It was principally through the canon law that the concepts and ideas of ancient Rome continued to make their presence felt even when, as a whole, Roman law itself had been forgotten. In the late 11th century, Roman law was rediscovered and made the subject matter of learned study and teaching by scholars in northern Italy, especially at Bologna. With the increasing demand for trained judges and administrators, first by the Italian city-republics and then by princes in other localities, students flocked to Bologna from all over Europe, until the study and teaching of law were gradually taken over by local universities. As a result of this process, Roman law penetrated into the administration of justice north of the Alps, especially in Germany and the Netherlands, where the Roman-law influence became particularly strong. In the Holy Roman Empire of the German nation, the reception of Roman law was facilitated because its emperors cherished the idea of being the direct successors of the Roman Caesars; Roman law, collected in the Code of Justinian Corpus Juris Civilis by the emperor Justinian I between and , could be regarded as still being in effect simply because it was the imperial law. Decisive for the reception, however, was the superiority of the specialized training of Roman-law jurists over the empiricist methods of lay judges and practitioners of the local laws. Equally decisive was the superiority of the Roman-canonical type of procedure, with its rational rules of evidence, over the local forms of procedure involving proof by ordeal, battle, and other irrational methods. Nowhere, however, did Roman law completely supplant the local laws, and, as far as the content of the law was concerned, various amalgams developed. Roman law strongly influenced the law of contracts and torts ; canon law achieved supremacy in the field of marriage; and combinations of Germanic, feudal, and Roman traditions developed in matters of property and succession, or inheritance. The conceptual formulations in which the norms and principles of the law were expressed, as well as the procedural forms in which justice was administered, were also strongly Roman. The system that thus emerged was called the jus commune. In actual practice it varied from place to place, but it was nevertheless a unit that was held together by a common tradition and a common stock of learning. Although the law of the Corpus Juris Civilis especially its main part, the Digestâ€”the writings of the jurists was, as such, in effect nowhere, it constituted the basis of study, training, and discourse everywhere. In spite of all local variety, the civil-law world experienced a sense of unity that corresponded to the strongly felt unity of European civilization. This unity was undermined by the religious divisions of the Reformation and Counter-Reformation and by the rise of nationalism that accompanied the unification and stabilization of the European nations and their struggle for hegemony. In the field of law the split found expression in the national codifications, through which the law was unified within each nation but was simultaneously set apart from that of all others. In Denmark codification occurred in , in Norway in , in Sweden-Finland in , and in Prussia in Because of the personality of their promoter and the novel technique applied, great fame and influence were achieved by the Napoleonic codifications of the private and criminal law of France, especially their central piece, the civil code of that came to be known as the Napoleonic Code. Codification continued after the

Napoleonic era. In Belgium and Luxembourg, which had been incorporated into France under Napoleon , his codes were simply left in effect. The Netherlands, Italy, Spain, Portugal, and numerous countries of Latin America followed the French model not only by undertaking national codification but also by using the same techniques and arrangements. Naturally, their courts and legal scholars were, at least in the early 19th century, inclined to pay great attention to French legal learning. Only a commercial code had been uniformly created by the independent German states shortly after the revolution of The unification of the criminal law took place almost simultaneously with the political unification of the country, which occurred in Codification of the organization of the courts and of civil and criminal procedure came in Throughout the 19th century the vigorous German science of law exercised much influence in Austria which as early as had codified its law in a technique different from that of France , in Switzerland, in the Nordic countries, and, later, in most of eastern Europe. When Swiss law was codified in â€”12, it became the model for the Turkish codification of and strongly influenced the codification of China, which is still in effect in Taiwan. Owing to the different dates of codification and the different style and attitude of legal learning, the civil-law family of laws is thus divided into the French, or Romanist, branch and the German, or Germanic, branch. Their main features are determined by those of their prototypes. The legal system of Japan essentially belongs to the German branch, but it presents important features of its own. The French system In France the Revolutionary period was one of extensive legislative activity, and long-desired changes were enthusiastically introduced. A new conception of law appeared in France: Customs remained only if they could not be replaced by statutes. The Parlements , the major courts of the nation, were dismantled and replaced by a unified system of courts that were merely supposed to apply the law and never to lay down general rules. The passionate desire for liberty and equality aroused by the 18th-century philosophes inspired the changes that took place. The system that had come to be called feudal, although it had little to do with the feudalism of the High Middle Ages, was hated by the peasants and the bourgeoisie for its unbalanced distribution of privilegesâ€”especially those exempting the nobles and clergy from taxation. These privileges were abolished early in the Revolution. The revolutionaries detested organized groups of any kind, for it was thought that only one authority should exist over the citizensâ€”that of the state. As a result, the guilds, which demanded compulsory membership and regulated every profession, were suppressed, and freedom of commerce was established. The old-style universities were dissolved; in the same spirit, the property of the Roman Catholic Church was secularized, and the priests and bishops were made state employees, a situation that most of them did not accept. Family relations were deeply transformed according to the principles of liberty and equality. Throughout the Revolutionary period, successive governments were committed to consolidating the legal changes in a set of codes. Drafts were made, but time and authority were lacking, and none were enacted until civil society was restabilized under Napoleon. The concept of codification From a practical point of view, the Civil Code achieved the unification of French civil law. This was not, however, the only concern of its drafters. They shared with most of their contemporaries and with most modern French lawyers the belief that the law should be written in clear language so that it would be accessible to every citizen. This view implied that the new code had to be complete in its field, setting forth general rules and arranging them logically. Finally, it was not to unnecessarily break with tradition. The Civil Code was organized as a series of short articles because it was assumed, first, that legislators could not foresee all circumstances that might arise in life and, second, that only conciseness could make the code flexible enough to adapt old principles to new circumstances. The general rules contained in the code have since been applied to concrete circumstances without much difficulty. The drafters of the code strove toward inner consistency in their work so that reliance on logic might ensure satisfactory application of it. They saw no contradiction between logic and experience. Since the 17th-century beginnings of the Age of Reason , abstract reasoning had characterized the French approach to law and to life in general. For this reason, articles of the code were not regarded as narrow rulings. If no one article was found to apply exactly to a given situation, it was proper to consider several articles and to draw from them a more general rule that could either be applied to the case itself or be combined with others to reach a solution. Although the code was a work of logic, it relied mainly on experience. Its drafters were exceptionally well qualified in this respect: Their purpose was not so much to create new laws as to restate existing laws, subject

to choice when revolutionary enactments varied from previous ones and when previous laws differed from one another. The political and legislative power was held by the bourgeoisie , and they were entirely satisfied with the basic principles of the code, which favoured individualism and free will. In fact, from until the enactment of the constitution of the Third Republic in , the Civil Code remained the law of France despite several changes in political regimes. Jurisprudence was centred upon it; in both teaching and writing, scholars discussed it article by article. The courts fulfilled the role that the drafters had stressed for them; imbued with the spirit of the code, they applied its general rules to particular cases. The social atmosphere changed during the Third Republic, when universal suffrage gave the labouring class an influence on legislation. Faith in liberalism was shaken, and the idea grew that the state should intervene to protect the weak. Statutes increased in number. This movement was accentuated by the world wars of the 20th century, during which a mass of emergency regulations had to be passed, and the power of the state to encroach on private interests for the sake of the community was increased. Subsequent amendments to the code revealed two trends: Adaptation of the law to new social needs was not made by statute alone; the courts, to a certain extent, adjusted the law to modern circumstances. They did this, however, while maintaining a consciousness of their subordinate position. They recognized that, as a general rule, basic changes were the province of the legislature and not of the judge , though this did not prevent them from gradually adapting the law to the modern conditions of life. Legal learning also had a role. A number of important statutes were drafted by commissions that included judges, professors, and lawyers; and authors often suggested to the courts new developments in the application of rules of law. Although most of the statutes passed during the 19th and 20th centuries were left outside the code, they continued to be published with the new editions of the code. By the middle of the 20th century, it had become apparent that the code should be revised. This task was entrusted to a commission, which produced several important drafts. The effort to replace the old code with a completely new one was halted when Charles de Gaulle came to power in Revision has since occurred only on a sporadic, piecemeal basis, except for the sections concerning family law , which have been thoroughly reformulated. The main categories of French private law The French Civil Code uses many of the categories that were developed in ancient Rome, but its law is that of its own time. Marriage and family The drafters of the French Civil Code regarded marriage as the basic institution of a civilized society. Taking into account the variety of religious attitudes in France, they decided that only marriage ceremonies celebrated before secular officials should be legally valid. This did not deprive clergy of the various faiths of the right to celebrate religious marriage ceremonies, but these were devoid of any legal effect and had to take place after the secular ceremony in order to avoid any risk of confusion. After the formalities of marriage were lessened and parental control over it curtailed. Twentieth-century statutes gradually reestablished the revolutionary rule that the consent of the parents was not necessary when the parties were over In the age of majority for this and other purposes was reduced to Although the Revolution proclaimed women to be equal in rights with men, it did little to implement this view in law. The drafters of the code saw no reason to modify the traditional situation, and Napoleon himself favoured subordination of the wife to the husband. The code expressly stated that she owed him obedience. With very few exceptions, she had no legal capacity to act. Without the written consent of her husband, she could not sell, give, mortgage, buy, or even receive property through donation or succession. Statutes in the 20th century, however, severely diminished the authority of the husband over his wife and endowed her with full legal capacity. Matrimonial-property regimes have since been revised in numerous countries, the tendency being toward a partnership in property acquired after the marriage, with each party retaining control over the property he or she had before the marriage. Divorce Divorce was first introduced into France after the Revolution. It was made very easy and was even allowed by mutual agreement. The drafters of the code decided that since many persons were not prevented by religious conviction from seeking divorce, it was not for the legislator to prevent unhappy spouses from terminating their marriages and from entering new legal unions.

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9: Basic Law for the Federal Republic of Germany

The Reception of Roman Law in Europe: France and Germany Whereas the study of Roman law continued to be regarded as indispensable for the training of jurists, in the 16 th and 17 th centuries it lost importance in a number of countries as a source of currently valid law.

Europe, to Within the context of Roman law , the term civil law is usually used specifically to refer to the Corpus Juris Civilis , the compilation that was ordered by Emperor Justinian I ruled â€" c. These sources were divided into unwritten law ius non scriptum and written law ius scriptum. Unwritten law referred to custom in Roman times, although by the early modern period in Europe , customs were accepted as written law in many places. Written law for the Romans was divided into six categories: Contradictions in the laws occurred because these numerous sources were neither coordinated nor routinely collected. The early attempts to organize Roman law included the Institutes of Gaius in the second century c. The final compilation of the Corpus Juris Civilis under Justinian in the sixth century was issued in four parts: Among the Germanic kingdoms of western Europe, rulers such as the Visigothic kings of Spain used vulgarized forms of Roman law for their Roman subjects. Roman law also influenced western Europe, because it was used as the basis of canon church law in the Corpus Juris Canonici Body of Canon Law , and Roman civil and canon law also became the basis of the ius commune, a set of legal principles generally accepted throughout Europe. Within each developing state of the late Middle Ages and the early modern period, Roman law had varying impact on local and royal laws, depending on the geographical proximity to the old Roman imperial areas and individual developments within the separate states. Although it was taught continuously in the East, it was not until the late eleventh century that the West rediscovered the Corpus Juris Civilis of Justinian, and the text was then studied and taught at the medieval universities throughout western Europe beginning in the twelfth century. Justinian was seen as a Holy Roman Emperor and his laws as imperial legislation. In addition, twelfth-century jurists recognized that Roman law represented a high development of legal thought, and they saw Roman law as "written reason" and hence superior to other law. University scholars not only studied the Corpus Juris Civilis, they also added their own explanations and interpretations, which often became as important as the original text. The earliest of these scholars were known as the glossators, who wrote marginal or interlinear comments called glosses on the entire text of Justinian. Glossators tried to resolve such discrepancies by interpretation. Between and the glossator Franciscus Accursius compiled a collection of selected glosses, which became known as the Glossa ordinaria or Magna glossa. Following the glossators were the commentators or postglossators. They also applied the law to their own time by writing legal opinions in response to questions concerning real cases. Two of the most significant of the early commentators were Bartolus of Saxoferrato and Baldus of Ubaldis. The commentators were most active in the fourteenth and fifteenth centuries, and, like the glossators, most were Italian. Humanists applied philological techniques to the study of the Roman law to determine what it had been meant to say, and they also studied the laws and their meaning in the original context of Rome. Although begun in Italy with the work of Andrea Alciato, this movement reached its height in the French historical school of law in the sixteenth century. Because of their humanist approach, these scholars were able to see the Corpus Juris Civilis in historical context, as a product of its own time and place. They saw it as useful but not infallible, and their work identified many problems in the law itself and in the medieval studies of it. These scholars established the historicity of Roman law and removed its claim to authority over contemporary societies, even though it could still be seen to a certain extent as "written reason. Italy and southern France were the areas most continuously influenced by Roman law because they had been governed by the Romans themselves and by Germanic versions of Roman law codes. These were also areas where universities developed early, as did Renaissance humanism. This caused some tension, and French legal humanists tried to resolve some of the problems by carefully applying Roman law. Roman law sometimes provided the source of these common laws, but so did the Custom of Paris , which was often seen as a more appropriate source for France. Partly under influence of the "written reason" of the Corpus Juris Civilis, the French tried to codify their customs, frequently using the organization of Roman law

as a model for the structure, if not for the laws themselves. In Germany, the reception of Roman law began around , when the ius commune was given precedence over local customs in the imperial supreme court. Use of Roman law in this form was particularly attractive in the Holy Roman Empire , because there were over three hundred independent local jurisdictions, some quite backward administratively. Roman law provided a model for them and also created some form of unity in the fragmented empire. Scotland had introduced Roman law indirectly in the form of ius commune, because it was distinct from English common law , and the Scots wished to establish their independence from English control. English common law developed independently from Roman law, but some courts in England , the Equity and Admiralty Courts, for example, were influenced by Roman law, at least in the form of the ius commune or through canon law , which church courts continued to use in England even after the Reformation. The Spanish acceptance of Roman law meant that it spread beyond western Europe and came to the Spanish territories of the New World. Roman law was used to support various, even opposing, ideas. For instance, its maxims could support both absolutism and popular government: The Institutes is the Roman law work that is most accessible to the beginner in legal studies. This is one of several editions. Mommsen, Theodor, and Paul Krueger, eds. The Digest of Justinian. English translation edited by Alan Watson. The Latin and English texts are on opposing pages. Cincinnati , Ohio , Reprint, New York , Secondary Sources Bellomo, Manlio. The Common Legal Past of Europe, â€" Translated by Lydia G. An Historical Introduction to Private Law. The Civil Law Tradition: Roman Law and Comparative Law. Parrow Pick a style below, and copy the text for your bibliography. Encyclopedia of the Early Modern World. Retrieved November 14, from Encyclopedia. Then, copy and paste the text into your bibliography or works cited list. Because each style has its own formatting nuances that evolve over time and not all information is available for every reference entry or article, Encyclopedia.

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