



George Grosz, Metropolis (1917),
Thyssen-Bornemisza Museum, Madrid

Prof. Dr.
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European Legal History Wintersemester 2026/27

The course aims to sharpen students' critical understanding of contemporary law. Reconstructing the historical origins of legal institutions, categories, and models allows us to strip them of any claim to timelessness and to recognise, instead, their historically contingent and therefore relative character. By studying historical processes, also through comparison with the English and American legal traditions, students will be able to view the contemporary legal landscape in a different light and to engage more critically and consciously with the complexity of today's legal challenges.

To this end, the course traces the historical developments that have shaped European law over the past two and a half centuries. From this perspective, the French Revolution provides an ideal starting point. It marked a watershed in European and global history, laying the foundations of modern legal culture: individual freedom, formal equality, constitutionalism, and codification.

The nineteenth century consolidated these foundations through theoretical and ideological paradigms: individualism, statism, positivism, monism, and liberalism. At the same time, however, it already contained the seeds of their crisis, fuelled by the growing tensions between state and society, individual and community, public and private law. From the late nineteenth century onwards, the signs of this crisis emerged in the rise of a socially oriented private law, the rediscovery of legal pluralism, and the renewed centrality of judicial interpretation. With the First World War, the crisis came to a head and became a defining feature of the twentieth century, prompting two radically opposed responses: totalitarianism and democracy.

Course Topics

- History, Legal History, Global Legal History
- The French Revolution: From a Society of Orders to a Sovereign Nation
- Constitution and Constitutionalism: The French Model vs. the American Model
- English Constitutionalism: From Magna Carta to the Bill of Rights
- Consolidation and Codification: The French Civil Code of 1804
- Property and Contract: Building Liberal Private Law
- Codification in Europe: An Overview
- The »Rechtsstaat« in Nineteenth-Century German »Staatslehre«: State, Law and Freedom
- Scientific Positivism, Sociology, Socialism: The Social School of Law
- Eugen Ehrlich's Living Law: Between Legal Pluralism and the Free Law Movement
- The Crisis of the Modern State: Santi Romano and the Plurality of Legal Orders
- The Franco-Italian Draft Code of Obligations and Contracts (1927): Individualism and Solidarity
- The Challenge of Democracy: Weimar and the Value of Community
- The Rome–Berlin Legal Axis: Legal Ideologies of Totalitarianism

The list of topics is indicative and may be adjusted during the course. The course will begin on **21 October 2026** and run until **December 2026**. Classes will take place on **Wednesdays, 12:00–14:00, in Raum H2**, and **Thursdays, 12:00–14:00, in Raum H4**.

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