Fritz Schulz (1879-1957): reinventing the principles of Roman law

Jacob Giltaij (University of Helsinki)

In this lecture, I shall focus on the works of Fritz Schulz, a professor of Roman law who was ousted from office at the advent of the Nazi regime. After his forced retirement in 1934, Schulz was to publish the work he is more generally known for, the Principles of Roman law. The Principles of Roman law actually is a series of lectures held by Schulz in 1933 at the University of Berlin, which effectively lost him the office there.

Every chapter of the book contains a discussion of a single ‘principle’ of predominantly classical Roman law. Of course, these principles were not formulated as such by the Roman jurists, given the character of Roman law as primarily consisting of decisions in single cases. Yet, Roman legal scholarship has for a long time attempted to find and argue for the existence of general principles behind the development of Roman law.

With his Principles, Schulz appears to have been a watershed-moment in this tradition, seeing that later contributions often refer to the Principles in particular as their inspiration or point of departure. Therefore, by comparing some of the literature before and after its publication, the question central to this lecture shall be: in what measure should the Principles be seen as a continuation of -or a breach with- an earlier tradition of scholarship on the principles behind Roman law?