

Heinz Barta

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## »Graeca non leguntur«?

Tracing the origins of European law back to ancient Greece



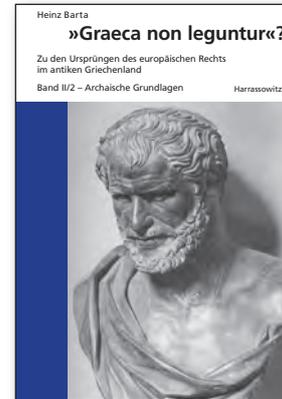
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During the *Graeca* project, the focus of the research was on the significance for Europe of legal developments made in ancient Greece, and to a limited extent in the Orient. Amongst legal historians and legal academics alike, the law of Europe has long been regarded as having originated from Rome. It is said that the Greeks had conceived of every imaginable thing for Europe, but nothing of significance in the area of law. – Yet, Greek and Oriental legal principles played a much larger role for Rome than had previously been presumed. Fundamental legal developments originated from the Hellenes and from the people of the ancient Orient: the study of law itself, but also its disciplines of legal history, comparative law, legal politics, legislation and jurisprudence. Statutory law (as a means of social control), the process of codification, the importance attached to publishing laws, the basic rules of applying the law and advanced legal training, procedural, administrative, public international and constitutional law as well as diplomatic, archival science and contracting, to name but a few things, were all developed by the Hellenes and the people of the ancient Orient. – How was such a perception of the historical developments possible? A fundamental reason was that, despite significant receptions, the Romans had belittled the achievements of the Greek and ancient Orient people, a perception which was later reinforced by Christians. For Christian thinkers, it was self-evident that concepts, such as rights to legal protection of personal rights and human dignity, were creations of Christianity.

Volume II contains detailed information about *inter alia* the creation of negligence liability and legal personality, including subjective rights; the understanding of Greek contracts; the development of a statutory inheritance law and testaments; *epieikeia* (*aequitas*, equity, *Billigkeit*) – a legal figure of great importance for the evolution of law; actions for hubris as the origins of Greek and European legal protection of personal rights; Solon's concept of '*eunomia*' and the foundations of the European models of justice and rule of law; the genesis of individual ownership; memorial foundations and Hellenic cult of the dead foundations. The focus of this volume lies in the archaic development of law.

These and other subjects are not only of interest in the fields of law and legal history, but also in the history of science, ancient history and ancient Oriental studies, (legal) philosophy and the history of philosophy, the history of religion, (legal) sociology, philology and other disciplines.

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