



The Hebrew University of Jerusalem

Syllabus

Roman Law and Human Rights: Reading Ulpian in Latin today - 390705

Last update 14-09-2025

HU Credits: 2

Degree/Cycle: 2nd degree (Master)

Responsible Department: History

Academic year: 2026

Semester: 2nd Semester

Teaching Languages: Hebrew

Campus: Mt. Scopus

Course/Module Coordinator: Dr. Matthias Schmidt

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Coordinator Office Hours: Mondays - 12:00 - 13:30

Teaching Staff:

Dr. Matthias Schmidt

Course/Module description:

Ancient Roman jurists and lawyers created new legal concepts, ideas, rules, mechanisms and regulations and developed a highly sophisticated and comprehensive secular legal system, which remains at the heart of the civil law tradition of Europe and beyond. Nevertheless, most modern historians would agree that source evidence from Roman antiquity for the centrality of modern Human Rights Law is not really promising. In consequence the history of the modern concept(s) of universal human rights in the Western hemisphere is usually traced back to the enlightenment of the 17th/18th century and its philosophical debates on benevolent social practice - or more likely to the second half of the 20th century. Only a minority of modern researchers in different disciplines assumes that the idea of rights is even as old as civilization and that it is therefore relevant to search "for cultural factors that facilitated the creation and transmission of human values across history" (Rachel Hall Sternberg, *The Ancient Greek Roots of Human Rights*). In this sense sources from the ancient Roman world are read and understood as antecedents for modern Human Rights Law - not in the sense of direct influence, but in form of premises, ideas, and normative concepts and frameworks for existing Human Rights (Dinah Shelton, *Oxford Handbook of International Humans Rights Law*, 3). Domitius Ulpianus, a 3rd-century Roman jurist, is often considered a "pioneer of human rights" (Tony Honoré) due to his writings and law commentaries. The values of equality, freedom and dignity of all human beings are understood in this context to form the basis of Ulpian's exposition of Roman law as the law of a cosmopolis advocating for equity and utility in legal matters. In the seminar a representative cross-section of law interpretations and juridical concepts written and developed by Ulpian will be read (in Latin) in order to understand if (and how) modern concepts of Human Rights Law might be rooted indeed in Roman civilization, history and thought. With the help of relevant examples taken from different law codifications and categories of law - like *ius civile* (*privatum et publicum*), *ius honorarium*, *ius gentium* as well as from religious law, constitutional law or criminal law, the seminar will discuss if Ulpian can indeed be understood "as the first human rights lawyer" (Tony Honoré) based on his major role in elaborating, disseminating and justifying the subject of "Human Rights" or if the reference to Roman antiquity and Ulpian's law interpretation in this context is used basically to "update the myth of 'Western civilization' to suit momentary agendas" (Samual Moyn, *Human Rights and the Uses of History*, xiv).

Course/Module aims:

Students will read law interpretations by Ulpian in Latin in their historical and intellectual context to gain general insight into vocabulary, terminology and

concepts of Roman Law in general as well as into the special legal approaches and interpretations of Ulpian. They will acquire knowledge about codification processes of Roman law, its traditions and interpretations to familiarize themselves with the defining characteristics and principal achievements of Roman legal culture. They will deepen their knowledge about Ulpian's approach to law not just as a set of rules but as a "true philosophy" intended to serve the needs and well-being of people. They will familiarize themselves with modern approaches understanding Ulpian's legal philosophy and his expansive vision of Roman citizenship as groundwork for concepts that - by focusing on inherent human dignity, justice and universal standards of treatment - foreshadow modern ideas of Human Rights Law. The synthesis of all subjects discussed during the course should create a comprehensive overview and help to identify elements of Roman Law especially as precursors of modern Human Rights and to evaluate in general the relevance of Roman Law and its basic concepts today.

Learning outcomes - On successful completion of this module, students should be able to:

- * read and study law texts in their original Latin language and understand their linguistic and intellectual contexts;
- * identify the different sources of Roman Law and acquire knowledge about the time line of its codification processes, its traditions and interpretations;
- * differentiate between the different traditions, categories, concepts and ideological ideas of Roman Law;
- * familiarize themselves with modern approaches understanding Ulpian's legal philosophy;
- * understand the basis of Ulpian's exposition of Roman law as the law of a cosmopolis advocating for equity and utility in legal matters;
- * describe the elements of the underlying concepts and their importance for the transmission of human values across history;
- * evaluate the meaning, importance and value of Roman Law in general for modern societies;
- * practice the search for cultural factors that facilitated the creation and transmission of human values across history;
- * understand traditions of Roman Law as antecedents for modern legal concepts;
- * get familiar with premises, ideas, and normative concepts and frameworks in Roman Law for existing human rights law;
- * assess the variety of modern approaches towards the question of the history of human rights and their political agenda;
- * develop an awareness of the nature and purposes of using ancient concepts as antecedents for modern human rights law;
- * select and synthesize material from lectures and recommended primary and secondary sources as well as research literature to use in oral and written discussions of set topics.

Attendance requirements(%):

100%

Teaching arrangement and method of instruction: Latin legal texts and additional source texts as well as modern research literature will be circulated and must be prepared for each session of the seminar in advance. During the seminar student presentations of law texts and juridical problems, power point presentations by the teacher, class room discussions on case studies and group work will alternate.

Course/Module Content:

The following work plan gives the main structure of the seminar. An extended work plan with detailed source references will be developed step by step during the term and published as an ongoing work on moodle.

1. Introduction

1. 1 Roman Law

1.1.1 Definitions - Categories - Subjects

1.1.2 Sources of Roman Law

1.1.3 The Legislative Authorities in Rome

1.1.4 The Codification of Roman Law

1.1.5 The Roman Law Library - online editions of source texts

1.2 Human Rights Law

1.2.1 What are "Human Rights"? - Definitions, Approaches, Examples

1.2.2 Research Problems and Methodology: Is there a History of Human Rights Law before the 20th century?

1.2.3 Defining Normative Conceptual Elements of Human Rights Law

1.3 Domitius Ulpianus - Pioneer of Human Rights?

1.3.1 Life, Works, and Heritage

1.3.2 Law as "True Philosophy" - Freedom, Equality and Dignity in the egalitarian Cosmopolis

2. Selected Readings of law texts, interpretations and discourses

2.1 Ulpian's Interpretations of Roman Laws from the Corpus Iuris Civilis

2.2 Case Studies: ius naturale/lex naturalis, ius gentium, civitas Romana, ius familiae, servitus, fornicatio

3. Conclusion> Human Rights in the Roman World - Anachronism or Contribution to the Modern Discourse?

Required Reading:

1. Required Reading:

While the main focus of the course is the reading of Latin source texts at class and at home, the actual required reading of research literature, scientific articles, book chapters etc will be determined in relation to the subjects and source texts to be read during the seminar.

1.1 Human Rights Law

* Jack Donneley, "The Concept of Human Rights", in: *idem.*, *Universal Human Rights in Theory and Practice*, Cornell University Press, 3rd edition, 2013, chap. 1: 7-23 (on moodle; and Law Faculty Library Mount Scopus, Middle Level General 342.7 (100) DON 3).

* Jack Donneley, "A Brief History of Human Rights", in: *idem.*, *Universal Human Rights in Theory and Practice*, Cornell University Press, 3rd edition, 2013, chap. 5: 75-92 (on moodle; and Law Faculty Library Mount Scopus, Middle Level General 342.7 (100) DON 3).

* John M. Headley, "The Universalizing Principle and the Idea of a Common Humanity", in: *idem.*, *The Europeanization of the World. On the Origins of Human Rights and Democracy*, Princeton Oxford: Princeton University Press, 2008, chap. 2: 63-148 (online access via Mount Scopus Library and JC 423 H425 2008).

* Samuel Moyn, "Humanity before Human Rights", in: *idem.*, *The Last Utopia. Human Rights in History*, Cambridge, Mass.,-London: The Belknap Press of Harvard University Press, 2010, chap. 1: 11-43 (online access via Mount Scopus Library).

1.2 Roman Law

* Michael C. Alexander, "Law in the Roman Republic", in: Nathan Rosenstein, Robert Morstein-Marx (eds.), *A Companion to the Roman Republic*, Hoboken, NJ: Wiley-Blackwell, 2010, 236-255 (on moodle)

* José Luis Alonso, "The Constitutio Antoniniana and Private Legal Practice in the Eastern Empire", in: Kimberley Czajkowski (ed), *Law in the Roman Provinces*, Oxford: Oxford University Press, 2020, p. 44-64.

* Rafael Domingo, *Roman Law: an introduction*, London New York: Routledge, Taylor & Francis Group, 2018.

* Dante Fedele, "Ius gentium: The Metamorphoses of a Legal Concept (Ancient Rome to Early Modern Europe)", in: Edward Cavanagh (ed.), *Empire and Legal Thought. Ideas and Institutions from Antiquity to Modernity (Series: Legal History*

Library, Volume: 41/16 *Studies in the History of International Law*), Koninklijke Brill NV, Leiden, The Netherlands, 2020, p. 213-151.

* Peter Garnsey, "Roman Citizenship and Roman Law in the Late Empire", in: Simon Swain, Mark Edwards (eds.), *Approaching Late Antiquity: The Transformation from Early to Late Empire*, Oxford: Oxford University Press, 2006, pp. 133-155 (online - Mount Scopus Library).

* Jacob Giltaij, Kaius Tuori, "Human rights in Antiquity? Revisiting anachronism and Roman law", in: Pamela Slotte, Miia Halme-Tuomisaari (eds.), *Revisiting the Origins of Human Rights*, Cambridge: Cambridge University Press, 2015, 39-63.

* Tony Honoré, *Ulpian. Pioneer of Human Rights*, Oxford: Oxford University Press, 2002, 2nd ed., (online - Mount Scopus Library).

* Georgy Kantor, "Ideas of Law in Hellenistic and Roman Legal Practice", in: Paul Dresch, Hannah Skoda (eds.), *Legalism: Anthropology and History*, Oxford: Oxford University Press, 2021, p. 55-83 (online - Mount Scopus Library).

* C. E. Manning, "Stoicism and Slavery in the Roman Empire", in: ANRW II 36.3 (1989), 1518-1543 (on moodle).

* Ralph W. Mathisen, "Peregrini, Barbari, and Cives Romani: Concepts of Citizenship and the Legal Identity of Barbarians in the Later Roman Empire", in: *American Historical Review* 111.4 (2006), pp. 1011-1040.

* Adrian N. Sherwin-White, "The Roman Citizenship. Survey of its development into a world franchise", in: ANRW I 2 (1972), 23-58.

* Andrew Wallace-Hadrill, "Civitas Romana: The Fluidity of an Ideal", in: *Al-Masāq* 32.1 (2020), p. 18-33 (online > <https://doi.org/10.1080/09503110.2019.1682854>).

1.3 Roman History

* Mary Beard, *SPQR. A History of Ancient Rome*, London: Profile Books, 2015 - recommended for a good, enjoyable reading.

* John F. Matthews (JFMa), Art. "Rome (history) = History of Rome" in: Simon Hornblower, Anthony Spawforth (eds.), *The Oxford Companion to Classical Civilization*, Oxford, UK: Oxford University Press, 2014, 2nd edition, pp. 670-685 - good very densed presentation on Roman History.

* Andrew M. Riggsby, "Roman History - The Brief Version", in: idem, *Roman Law and the Legal World of the Romans*, New York: Cambridge University Press, 2010, pp. 11-24 (online - Mount Scopus Library).

Additional Reading Material:

Additional Reading Material

The bibliographical items below are considered additional reading in the broadest sense. They include: (a) handbooks and companions with contributions to many subjects/aspects of Roman history, society and Law giving easy access to up-to-date presentations of research areas; (b) contributions to general and specific subjects

(a) *Handbooks and Companions* - for up-to-date infos on core issues and questions of Roman History, Law, Society, Institutions, and Human Rights Law

* Markus D. Dubber, Christopher Tomlins (eds.), *The Oxford Handbook of Legal History*, Oxford: Oxford University Press, 2018 (online - Mount Scopus Library).

* Simon Hornblower, Anthony Spawforth (eds.), *The Oxford Companion to Classical Civilization*, Oxford, UK: Oxford University Press, 2014, 2nd edition (online - Mount Scopus Library) - Various articles on aspects of "Roman Law"> adoption - adultery - citizenship - family. freedmen, freedwomen - Justinian's codification - law and procedure - lawyers - legal literature - marriage law - status (legal and social) - torture - Twelve Tables.

* Caroline Humfress, David Ibbetson, Patrick Olivelle (eds.), *The Cambridge Comparative History of Ancient Law*, Cambridge, UK; New York USA; Port Melbourne, Australia: Cambridge University Press, 2024 (online - Mount Scopus Library).

* David Johnston (ed), *The Cambridge Companion to Roman Law*, Cambridge: Cambridge University Press, 2015 (online - Mount Scopus Library).

* Paul J. du Plessis, Clifford Ando, Kaius Tuori (eds.), *The Oxford Handbook of Roman Law and Society*, Oxford, UK: Oxford University Press, 2016 (selected chapters will be read in class - Law Library Mount Scopus: Upper Level Guzik; G 34(37)/OXF).

* Andrew M. Riggsby, *Roman Law and the Legal World of the Romans*, New York: Cambridge University Press, 2010 (online - Mount Scopus Library). - In this book, Andrew Riggsby offers a survey of the main areas of Roman law, both substantive and procedural, and how the legal world interacted with the rest of Roman life. Emphasising basic concepts, he recounts its historical development and focuses in particular on the later Republic and early centuries of the Roman Empire. The volume is designed as an introductory work, with brief chapters that will be accessible to college students with little knowledge of legal matters or Roman antiquity. The text is also free of technical language and Latin terminology.

* Nathan Rosenstein, Robert Morstein-Marx, *A Companion to the Roman Republic*, Blackwell Publishing: Oxford, 2006.

* Scott Sheeran, *Sir Nigel Rodley, Routledge Handbook of International Human Rights Law*, London New York: Routledge. Taylor & Francis Group, 2013 (online access via Mount Scopus Library; and Law Library Mount Scopus, Middle Level General 342.7 (100) ROU).

* Dinah Shelton (ed.), *The Oxford Handbook of International Human Rights Law*, Oxford: Oxford University Press, 2013, esp. Part I: Theoretical Foundations, 9-143; Part II Historical and Legal Sources, 144-344; Part III Structural Principles, 345-498 (online access via Mount Scopus Library; and Law Library Mount Scopus, Middle Level General 342.7 (100) OXF).

(b) Others (general and specific subjects)

* Hannah Arendt, "The Decline of the Nation State and the End of the Rights of Man", chapter 9 in: *idem.*, *The Origins of Totalitarianism*, Cleveland-New York: The World Publishing Company, 2nd enlarged edition 1958 (7th Meridian Printing 1962), pp. 267-302.

* Charles R. Beitz, *The Idea of Human Rights*, Oxford: Oxford University Press, 2009 (Mount Scopus Library JC 571 B453 2009).

* Klaus Bringmann, *A History of the Roman Republic*, Cambridge: Polity Press, 2007 (dt. *Geschichte der römischen Republik: Von den Anfängen bis Augustus*, Beck: München, 2002.)

* Maurice Cranston, "What are Human Rights", in: Walter Laqueur, Barry Rubin (eds.), *The Human Rights Reader*, New York: New American Library, revised edition 1990, 17-25 (on moodle; and Mount Scopus Library JC571 H76 1990).

* Jack Donnelly, "Human Rights and Human Dignity: An Analytical Critique of Non-Western Conceptions of Human Rights", in: *The American Political Science Review* 76.2 (Jun 1982), 303-316.

* John M. Headley, *The Europeanization of the World. On the Origins of Human Rights and Democracy*, Princeton-Oxford: Princeton University Press, 2008 (online access via Mount Scopus Library; and Mount Scopus Library JC 423 H425 2008).

* Dennis P. Kehoe, "Law and Social Formation in the Roman Empire", in: Michael Peachin (ed.), *Social Relations in the Roman World*, Oxford: Oxford University Press, 2011, p. 144-163.

* Paul Gordon Lauren, "The Foundations of Justice and Human Rights in Early Legal Texts and Thoughts", in: Dinah Shelton (ed.), *The Oxford Handbook of International Human Rights Law*, Oxford: Oxford University Press, 2013, 163-193, (online access via Mount Scopus Library; and Law Faculty Library Mount Scopus, Middle Level General 342.7 (100) OXF).

* *Andrew Lintott, The Constitution of the Roman Republic, Oxford: Clarendon Press, 1999.*

* *Samuel Moyn, Human Rights and the Uses of History, London-New York: Verso 2014 (Law Faculty Library Mount Scopus, Middle Level General 324.7 (100) MOY).*

Grading Scheme:

Essay / Project / Final Assignment / Home Exam / Referat 100 %

Additional information:

Main focus of the seminar is the reading of various sources in Latin. Therefore, an exemption exam for classical Latin is a necessary pre-condition for registration and participation in the course. This graduate seminar is open for advanced undergraduate students in their 3rd year (with approval by the teacher).