

Law at the university

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The faculty of law of the University of Basel taught both canon law and Roman law from its foundation. The study of Roman law, which had been revived at Bologna in the late eleventh century, had spread across Europe in the following centuries. By the fifteenth century, the doctors of Roman law were in demand in the service of princes, cities and courts throughout the Empire. The reception of Roman law in Germany, which reached its climax in the sixteenth century, transformed the legal systems of the German territories, replacing or supplementing customary law with the learned law of the universities.¹

The Basel faculty participated in this movement. Its professors trained the jurists who served the city, the bishop, the Swiss cantons and the German territories. In the sixteenth century, under the influence of humanism, the Basel jurists contributed to the renewal of legal scholarship. Bonifacius Amerbach, professor of Roman law from the 1520s, a friend of Erasmus and his heir, and his son Basilius Amerbach, whose collection became the first public museum of the city, belonged to a circle that sought to recover the original texts of Roman law and to understand them in their historical context.²

The Swiss legal system that emerged from this tradition is a mixture of Germanic customary law, Roman law received through the universities and the codifications of the nineteenth and twentieth centuries. The Swiss Civil Code of 1907 and the Code of Obligations of 1911, drafted largely by Eugen Huber, a Basel-trained jurist who taught in Basel before moving to Halle and Bern, are among the great codifications of European law.³ They combine the systematic structure of the German pandectist tradition with a clarity and accessibility that reflect the Swiss preference for laws that citizens can understand. The Code of Obligations governs the contracts, companies and securities of the Swiss financial centre. Its roots reach back,

through the codifications and the universities, to the faculty of law founded in Basel in 1460.

1 Notes

1. On the reception of Roman law in the Empire and the role of the universities, see the standard literature on German legal history; for Basel, Bonjour, 1960, chapter on the Faculty of Law. ↩
2. On Bonifacius Amerbach (1495–1562) and Basilius Amerbach (1533–1591), their teaching of Roman law in Basel and the Amerbach cabinet, see HLS, articles "Amerbach, Bonifacius" and "Amerbach, Basilius". To be verified. ↩
3. Eugen Huber (1849–1923), author of the draft of the Swiss Civil Code, studied in Zurich and taught at Basel (1880–1888), Halle (1888–1892) and Bern. See HLS, article "Huber, Eugen". Biographical details to be verified. ↩

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