

# Table of Contents

Preface.....	11
1 Introduction.....	15
1.1 A study on Paul Koschaker.....	15
1.2 A question of method.....	19
1.3 State of the studies on Paul Koschaker.....	25
1.4 Research questions and outline of the book.....	30
2 From Graz to Leipzig (1897-1936).....	33
2.1 The first steps of the “founder of cuneiform law”.....	33
2.2 The call to Leipzig.....	41
2.3 Dogmatic approach and comparative method: Koschaker’s two souls?.....	50
2.4 On Koschaker’s methodological issues.....	61
2.5 Koschaker’s final years in Leipzig and the road to Berlin in 1936.....	64
3 Koschaker in Berlin (1936-1941).....	73
3.1 A short premise.....	73
3.2 Savigny’s Chair in Berlin.....	74
3.3 The new co-editor of the <i>Savigny-Zeitschrift</i> and member of the <i>Akademie für Deutsches Recht</i> .....	79
3.4 The unpleasant period in Berlin.....	83
3.5 Life at the University in Berlin.....	85
3.6 The affair of the Institute for Ancient Near Eastern Legal history.....	96
3.7 Students and the teaching of Roman law.....	104
3.8 Leaving Berlin.....	111
4 1941-1951: the years in Tübingen and after WWII.....	119
4.1 Introduction.....	119
4.2 The call to Tübingen.....	120
4.3 Negotiations and his arrival in Tübingen.....	125

4.4	The time in Tübingen: research and teaching.....	132
4.5	Koschaker's pupils in Tübingen: Below, Wesenberg and Pescatore.....	145
4.6	The last years in Tübingen and the <i>Emeritierung</i> .....	152
4.7	Koschaker as visiting professor in Germany and abroad.....	164
5	Roman law at the time of the crisis: from <i>Die Krise</i> to <i>Europa und das römische Recht</i> .....	173
5.1	Introduction.....	173
5.2	The crisis of Roman law.....	174
5.3	Koschaker's criticism of the <i>Historisierung</i> of Roman law.....	181
5.4	Koschaker's proposal.....	187
5.5	The reactions to <i>Die Krise des römischen Rechts und die romanistische Rechtswissenschaft</i> .....	191
5.6	Final remarks on <i>Die Krise des römischen Rechts und die romanistische Rechtswissenschaft</i> .....	202
5.7	An up-to-date <i>mos italicus</i> .....	207
5.8	A reform proposal.....	216
5.9	Koschaker and Point 19 of the NSDAP program.....	224
5.10	Koschaker's masterpiece: <i>Europa und das römische Recht</i> .....	230
5.11	<i>Juristenrecht</i> and relative natural law.....	238
6	Koschaker's legacy.....	247
6.1	The European message and its narrative.....	247
6.2	European narrative and methodology.....	253
6.3	An unpublished textbook on Roman law.....	260
7	Conclusions.....	267
	List of archival sources.....	277
	Bibliography.....	285
	Table of Names.....	323
	Table of Places.....	329
	Table of Pictures.....	331