# Principles of Roman Law

Prof. Ernesto Bianchi

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The aim of the course is to provide the basic notions of Roman private law and to illustrate the historical foundations of essential technical-legal terminology.

The intended outcomes at the end of the course are the acquisition of elements of the technical terminology of private law deriving from the Roman legal experience, and the ability to identify the essential characteristics of each principle. All this in a framework of knowledge of the main sources of Roman law within their historical context. Students are also expected to develop critical sense and argumentative skills, also useful to understand the modern legal situation (mainly consisting of concepts and categories already elaborated by the Roman jurists and often incorporated in modern systems). Acquisition of these skills is facilitated by course attendance, which is strongly recommended. Students who cannot attend the course are expected to achieve similar outcomes by studying the manual indicated in the reading list.

***COURSE CONTENT***

The course aims to examine private Roman law principles according to the traditional structure: people, things, actions. Following a preliminary analysis of the sources of law cognition (in particular the Gaius Institutiones and the Justinian compilation), and after highlighting the multi-systematic nature of the Roman system, the course will illustrate - from a dogmatic standpoint - issues concerning people (juridical capacity, acting etc.), family (agnatic and cognatic relationship; adoption, marriage), rights *in rem* (ownership, methods of purchasing, minor real rights: easement, usufruct, surface etc.), obligations (*re, verbis*, *litteris* and *consensu contractae*, from crime, natural, extinguished phenomena), civil law succession (testamentary and legitimate), *bonorum possessio* and types of bequests. Given the inseparability of substantive and procedural profiles, the course will focus on the concept of action (with special attention to the *legis actiones* process and to that *per formulas*) considering the genesis of procedural tools still preserved in modern codifications.

***READING LIST***

For *attending* students:

Lecture notes supplemented by the parts of the manual that will be specified during the course: V. Arangio-Ruiz, *Istituzioni di Diritto Romano,* Jovene, Naples, 1984 (14th ed.).

Alternatively, in its entirety:

the manual by P. Giunti, F. Lamberti, P. Lambrini, L. Maganzani, C. Masi Doria, I. Piro, *Il diritto nell’esperienza di Roma antica: per un’introduzione alla scienza giuridica*, Torino, Giappichelli, 2021.

For *non-attending* students:

The entire manual by V. Arangio-Ruiz, *Istituzioni di Diritto Romano,* Jovene, Naples, 1984 (14th ed.).

***TEACHING METHOD***

Frontal lectures held by the teacher with reading, translation and commentary on ancient legal sources. The regular course will be supplemented with optional exercises held by assistants, in which students, divided into groups, will study practical cases taken from Roman legal sources: information about these exercises will be provided during lectures.

***ASSESSMENT METHOD AND CRITERIA***

Oral exam based on course content with different study materials, as specified above, for attending and non-attending students. Attending students will be assessed based on commitment shown during the course, on practical exercises or their active participation in scientific meetings organised by the course. The assessment method will consist, however, in verifying students’ fundamental knowledge, relevance of their answers, their terminological precision, and consistent and reasoned structure of discourse.

***NOTES AND PREREQUISITES***

Based on the progress of the course, attending students will be provided, if interested, with indications of sources and additional reading list material for further study. Since this is an introductory course, there are no prerequisites concerning contents. However, an active interest in learning appropriate legal terminology is expected. Knowledge of Latin, although very useful, is not considered essential for an understanding of lectures and achievement of the intended learning outcomes.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.