

**Roman Law**

Code: 102231  
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	1	1

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

### Contact

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### Use of Languages

Principal working language: spanish (spa)  
Some groups entirely in English: No  
Some groups entirely in Catalan: No  
Some groups entirely in Spanish: Yes

### Teachers

Carme Tort-Martorell Llabrés  
Jose Antonio Jimenez Buendia  
Miryam Olivera Oliva

### External teachers

Marine Lercier  
Silvia Zanini

### Prerequisites

For the purposes of an adequate monitoring of Roman Law, a good knowledge and understanding on the part of the students of the basic institutions covered by the Programme is of great interest.

At the same time, an understanding of the discipline entails an adequate deepening of the subjects covered and a great advantage in being able to read complex texts and understand them.

### Objectives and Contextualisation

Roman Law is a subject taught in the first term of the first year of studies. This is a subject that allows the student to acquire basic notions of an essential subject - Private Law and the History of European Law Institutions - within the Degree.

Thus, Roman Law has the academic utility of critically opening up the great topics that will later be developed in the various subjects with institutional content and thought that make up our legal system in the Western world.

In this sense, Roman Law is the basis from which the knowledge and understanding of legal institutions, the

legal vocabulary, the understanding of a complete legal system in all its manifestations, as well as the development of analytical capacity and legal criticism between the initial months of graduation will be developed.

From the formative perspective, Roman Law aims to achieve several objectives for the student, among which we would like to highlight the following:

Study of legal thought, from its origins in Rome to its projection in the European and Latin American Codifications. Knowledge of the Private Law Institutions that make up the European Legal Culture and Global Law.

The exercise of critical thinking and reflection on the intimate connection between the enunciation of rights and their procedural protection.

Seek the sources and argue what may be, in each case, the solution best suited to the law (i.e. the *ius*, as a procedural position).

## Competences

- Contextualizing the several forms of creation of law in its historical evolution and its current situation.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Identifying and solving problems.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Integrating the importance of Law as a regulatory system of social relations.
- Memorising and utilising legal terminology.

## Learning Outcomes

1. Applying the procedural defence resources of law.
2. Assessing the evolution of law in Rome in relation to the social and economic evolution of the society producing it.
3. Assessing the revitalizing and creative role of Roman jurisprudence.
4. Assessing their influence in the European legal tradition.
5. Critically thinking about a jurist law versus a law based in the force of the law.
6. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
7. Describing the fundamental legal concepts, in the Roman law and the current private law.
8. Distinguishing the foundations of the Institutions of Roman Private Law.
9. Distinguishing the role and independence of legal judgements, in the face of the facultative control exercised by the Edict-announced magistrate resources.
10. Identifying and differentiating the sources of law.
11. Identifying and solving problems.
12. Reviewing the impact of the Justinian law and the influence of the *Corpus Juris Civilis* in the Western legal tradition.
13. Underlying that same evolution in the Western legal tradition.
14. Using basic legal terminology in in terms of procedural matters: individual and family law, succession law, property law and rights in rem, law of obligations and contracts.

## Content

Content

The course program has been adapted to the implementation of the new teaching model approved by the Faculty Board of June 27, 2019. It focuses on the careful study of the institutions of Roman Private Law, since they form the most solid basis for introduce the student to the knowledge of the multiple disciplines that make up the core of law studies (civil, commercial, procedural...) of a character more devoted to the exercise of the most traditional legal professions.

The structure of the program has been made within a system closely attached to the tradition of Private Law in Spain and Catalonia.

In each of the Institutions, for reasons of scientific coherence, the forms of procedural defense will be explained. Roman Law starts from the perspective of the procedural resources that defended the interests in conflict and the work of interpretation and creation of the Law by the jurists independently. It is not a legislated law, but (very closely to the common law) a law made by the judges, by the resources of the praetor and by the jurisprudential elaboration.

#### Schedule

Without prejudice to the possibility of variations due to unforeseen causes or force majeure, the course schedule is as follows:

Week 1. September 28 . October 2. Master class - videoconference (6 hours): Presentation of the subject. Significance for the European legal culture. Historical stages.

Week 2. October 5 to 9. On-site Seminar (3 hours): Reading and commenting on texts

Week 3. October 12 to 16. Master class-videoconference (3 hours): roman civil process.

Week 4. October 19 to 23. On-site Seminar (3 hours): Extra ordinem process and current civil procedural system: comparison

Week 5. October 26-30. Master class-videoconference (3 hours): The property. Animals in the Roman legal system.

Week 6. October 2 to november 6. On-site Seminar (3 hours): Analysis of current jurisprudence

Week 7. November 9 to 13. Master class-videoconference (3hours): The family

Week 8. November 16-20. On-site Seminar (3 hours): Jurisprudential analysis on arts. 1903 and 1904 of the State Civil Code

Week 9. November 23-27. Master class-videoconference (3 hours): The inheritance and testamentary dispositions

Week 10. November 30 to december 4. On-site Seminar (3 hours):Comparative study of hereditary institutions in the current order

Week 11. December 7 to 11. Master class - videoconference (3 hours): Obligations and contracts I

Week 12. December 14 to 18. On-site Seminar (3 hours): Current jurisprudential analysis

Week 13. December 21 to 22. Master class - videoconference (3 hours): Obligations and contracts II

Week 14. (ADE+D) 7-8 January 2021. On-site Seminar (3 hours): Analysis of current jurisprudence

Week 15. January 11-15, 2021. Evaluations

Week 16. January 18-22, 2021. Evaluations

Week 17. January 25 to 29, 2021. Evaluations

Week 18. February 1 to 5, 2021. Evaluations

Week 19. February 8-12, 2021. Evaluations

#### **Methodology**

It is assumed that the student's learning process is his own work: the student learns by working, and the mission of the teaching staff is to help him in this task, providing him with information and sources where he can go to get it.

In this context, the learning process will be achieved through the following activities:

- (i) Theoretical classes: masterly presentation of the subject (by videoconference), combined with discussion questions formulated by the teacher.
- (ii) Seminars: attendance at the seminars, except in cases of justified cause, will be compulsory. The student will play an active role during their development.
- (iii) Tutorials: the student can request individual and group tutorials for any of the aspects that make up his/her learning.
- (iv) Study for the exam, type test, which will reach the content of the program through specific questions that allow knowing the degree of reflection and knowledge of the student.

Class attendance, active participation in the course practices and attendance at seminars and conferences will be valued.

At the same time the development of the teaching of the subject and the training of the student is based on the following activities:

#### 1. Directed activities:

1.1. Theoretical classes: where the student achieves the conceptual bases of the subject and his normative and jurisprudential legal framework. The master classes are activities in which interactivity is demanded of the student and are conceived as a fundamentally method of transmission of knowledge from the teacher to the student.

1.2. Seminars and tests: where students analyse and solve previously elaborated assumptions. The basis of seminars and tests is the understanding and critical application of the solutions of Roman jurisprudence related to the essential content explained in the theoretical classes. The professor will publish a calendar of activities planned for the course of the Virtual Camus

1.3. Supervised activities in the classroom: these are activities that the students will carry out in the classroom, conferences, seminars, congresses, with the supervision and support of the professor. They include the elaboration of some practical assumptions in the classroom, some cards of sentences and/or regulations, the realization of schemes of some epigraphs of the subject; oral interventions with questions proposed by the students themselves or by the teacher. In each case, the teacher will determine which activities will be proposed for each course.

#### 2. Autonomous activities:

Elaboration of documents of practical activities: this will be delivered and analyzed in the classroom (see directed activities 1.2). These are practical cases proposed sufficiently in advance by the teacher, or the preparation of case files, regulations or films or other documents. In each case, the teacher will determine which activities will be proposed for each course.

2.2. Search for bibliography and instrumental jurisprudence for the resolution of practical cases. In some or some cases the students will have to make the autonomous search of the documentation.

The evaluation system combines the continuous evaluation of the seminars and practices and the resolution of a final exam (test type).

## Activities

Title	Hours	ECTS	Outcomes
Type: Directed			
Activities supervised in the classroom: elaboration of cards, practices and epigraphs of the programme in the classroom. Debates	11	0.44	1, 6, 9, 11
Theoretical classes	11.5	0.46	7, 8, 5, 12, 14, 2, 4
Writing of works	22.5	0.9	1, 6, 9, 11, 14
Type: Autonomous			
Reading texts	60	2.4	7, 8, 5, 12, 14, 3, 2, 4
Search for documentation and bibliography	9	0.36	10, 14
Study	36	1.44	8, 12, 4

## Assessment

The evaluation model will be continuous evaluation, which combines attendance to the theoretical classes (lectures, active participation in seminars, the performance of other evaluable activities (with an overall weight of 50%) and passing the final test (with an overall weight of 50%). Considering that the final test involves the evaluation of the knowledge acquired cumulatively through continuous evaluation activities, it is an essential requirement to pass the final test with a 5 out of 10.

Attendance to classes with a minimum of 80% of individual assignments, group work and the test/s will be required to be evaluated.

To pass the course, you must have a minimum grade of 5 in the items that make up the assessment. If a student does not pass the evaluation part corresponding to individual work, group work or the final test, they will have the possibility of making up the day established for the re-evaluation.

Individual assignments and group assignments are retrieved through one or more theoretical questions about the contents and subjects worked on in the respective activities.

To pass the subject in the re-evaluation, you must also have a 5 on all items. If this minimum grade is not obtained for each item, although the arithmetic mean of the evaluation items exceeds 5, the final grade will be suspended with a 4.5

Given that this is a second chance, the maximum grade for tests and recovered work is 5.

Except for situations of force majeure, late work submissions are not accepted and the student will obtain a 0 in the practice or undelivered test.

Excuses for complying with obligations due to illness or force majeure reasons may be accepted provided there is an official certificate. Absences for academic reasons must be previously accepted by the teaching staff.

A student who copies or tries to copy in a final exam will have a 0 in the exam. A student who submits a practice or test in which there is plagiarism will obtain a 0 and receive a warning. In case of repetition of the behavior, the student will fail the subject.

Attendance at seminars, except in some case of justified, will be compulsory for students.

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Final examination of contents	50%	0	0	1, 6, 7, 8, 9, 10, 11, 5, 12, 13, 14, 3, 2, 4
Practices and activities of proposed continuous evaluation	50%	0	0	1, 6, 7, 8, 9, 10, 11, 5, 12, 13, 3, 2, 4

## Bibliography

### *BASIC:*

- Teresa Giménez-Candela, Derecho Privado Romano. Ed. Tirant lo Blanch (Valencia 2020)
- Diccionario "Trivium" de Derecho y Economía; esp. anexo IV: "Frases y locuciones latinas". Ed. Trivium (Madrid 1998)

### *COMPLEMENTARY:*

- Gerhard Wesenberg - Gunter Wesener, Historia del Derecho Privado Moderno en Alemania y en Europa (ed. Lex Nova) Valladolid 1998
- Sandro Schipani, La Codificación del Derecho Romano Comune (ed. Giappichelli) Torino 1996
- Reinhard Zimmermann, Estudios de Derecho Privado Europeo (ed. Civitas) Madrid 2000
- Giovanni Luchetti - Aldo Petrucci, Fondamenti di Diritto Contrattuale Europeo (Bologna 2006)

Especialment, en relació al estatut jurídic dels animals:

T. Giménez-Candela, Transición animal en España (Tirat lo Blanch, 2019)

D. Favre y T. Giménez-Candela, Animales y Derecho. Ed. Tirant lo Blanch (Valencia 2015)

[www.derechoanimal.info](http://www.derechoanimal.info)

La web [derechoanimal.info](http://derechoanimal.info), es la única web jurídica referida als animals. Té una llarga i acreditada trajectoria internacional, està permanentment actualitzada i es publiquen articles sobre el Dret Romà relatiu als animals, que poden servir com a lectures complementaries de la Bibliografía básica

La revista dA. Derecho Animjal (Forum of Animal law Studies) <https://revistes.uab.cat/da> es una revista OJS indexada del ICALP (International Center for Animal Law and Policy) contiene completa actualización científica y académica sobre cuestiones básicas del Derecho y del Derecho Animal