



# UNIVERSITÀ DEGLI STUDI DI PALERMO

<b>DEPARTMENT</b>	Giurisprudenza
<b>ACADEMIC YEAR</b>	2016/2017
<b>MASTER'S DEGREE (MSC)</b>	LAW
<b>SUBJECT</b>	HISTORY OF ROMAN LAW
<b>TYPE OF EDUCATIONAL ACTIVITY</b>	A
<b>AMBIT</b>	20004-Storico-giuridico
<b>CODE</b>	06740
<b>SCIENTIFIC SECTOR(S)</b>	IUS/18
<b>HEAD PROFESSOR(S)</b>	ROMANO GIUSEPPE      Professore Associato      Univ. di PALERMO
<b>OTHER PROFESSOR(S)</b>	
<b>CREDITS</b>	7
<b>INDIVIDUAL STUDY (Hrs)</b>	119
<b>COURSE ACTIVITY (Hrs)</b>	56
<b>PROPAEDEUTICAL SUBJECTS</b>	
<b>MUTUALIZATION</b>	
<b>YEAR</b>	1
<b>TERM (SEMESTER)</b>	1° semester
<b>ATTENDANCE</b>	Not mandatory
<b>EVALUATION</b>	Out of 30
<b>TEACHER OFFICE HOURS</b>	<b>ROMANO GIUSEPPE</b> Thursday 09:00 13:00      Il ricevimento si terra' nella stanza del docente, presso i locali dell'ex Dipartimento di Storia del diritto, via Maqueda 172, primo piano.

DOCENTE: Prof. GIUSEPPE ROMANO

<b>PREREQUISITES</b>	Concepts and basic categories of general theory of law; essential elements of Roman history; command of the historical method.
<b>LEARNING OUTCOMES</b>	<p>Knowledge and understanding Acquisition of knowledge and comprehension of the origin and development of the constitutional structures, of the normative and procedural models of Roman legal experience, as well as of the main processes concerning the interpretation and application of the legal rules, of the techniques and of the case methodologies developed by Roman jurisprudence.</p> <p>Applying knowledge and understanding Providing students with the critical ability to relativize the legal phenomenon through the analysis of Roman constitutional systems in their historical evolution: students must be able to apply their knowledge in order to compare the different forms of government, court systems and legal production, including possible impact on European legal tradition.</p> <p>Making judgements Improving the ability to independently develop a conscious thought in relation to the topics of the lectures with a critical and independent reasoning of the main positions expressed by scholars.</p> <p>Communication skills Being able to express themselves properly, organically, clearly and effectively. Ability to fully convey the concepts using as appropriate the technical legal language. Mastery of the techniques of argumentation in communication of the expressed views.</p> <p>Lifelong learning skills Ability to read the sources and critically compare with each other to being able to draw from them the fundamental knowledge about the evolution of the law in its early stages of development. Ability to learn the law in his casuistic way, in the light of the method developed by the Roman jurists. Ability to derive from analysis of individual cases, the rules applicable to similar cases, identifying the limits in relation to the historical context in which they exist.</p>
<b>ASSESSMENT METHODS</b>	<p>Oral final exam (grades on a scale between 18 and 30 cum laude).</p> <p>The final oral exam consists of an interview (on at least two questions) on all topics in the syllabus by reference to suggested bibliography. The interview aims at ascertaining the level knowledge and understanding of the topics in the syllabus and the ability of the candidate to critically examine also specific issues and legal cases. The evaluation will be sufficient if the candidate proves basic knowledge and understanding of the topics at least in general outline. He/she must also demonstrate command in the specialized language and argumentation skills able to convey his/her knowledge to the examiner. Under those thresholds, the outcome will be insufficient. The more on the contrary the candidate will be able to interact with the examiner and he/she demonstrates detailed knowledge and understanding of the topics the more the evaluation will be positive.</p> <p>The evaluation will take place according to the following grid:</p> <p>“excellent”, 30-30 cum laude: excellent knowledge of the topics, excellent ability to frame the historical and dogmatic development of the institutes, excellent property of language, excellent capacity of analysis;</p> <p>“very good”, 27-29: very good knowledge of the topics, very good ability to frame the historical and dogmatic development of the institutes, very good property of language, very good capacity of analysis;</p> <p>“good”, 24-26: good knowledge of the topics, good ability to frame the historical and dogmatic development of the institutes, good property of language, good capacity of analysis;</p> <p>“satisfactory”, 21-23: satisfactory knowledge of the topics, satisfactory ability to frame the historical and dogmatic development of the institutes, satisfactory property of language, satisfactory capacity of analysis;</p> <p>“sufficient”, 18-20: minimal knowledge of the main teaching and technical language issues, limited capacity to independently apply theoretical knowledge;</p> <p>insufficient outcome: the student does not have a sufficient knowledge of the various syllabus topics and appropriate command in the specialized language.</p>
<b>EDUCATIONAL OBJECTIVES</b>	Command of language and legal categories. Punctual and informed knowledge both of formative processes and of concepts related to the course. Identification

	of the main differences between the Roman legal experience and legal systems based on a conception of law as a set of rules established by the State. Remark on the essential historicity of law and its concepts as an indispensable tool for the training of the necessary sensitivity to the jurist in the setting and evaluation of the most important legal issues
<b>TEACHING METHODS</b>	Lectures
<b>SUGGESTED BIBLIOGRAPHY</b>	<p>Per la parte generale:</p> <p>— P. CERAMI, A. CORBINO, A. METRO, G PURPURA, Roma e il diritto. Percorsi costituzionali, produzione normativa, assetti, memorie e tradizione del pensiero fondante dell'esperienza giuridica occidentale, Napoli 2010, pp. 315, con esclusione della PARTE TERZA (Profilo generale del diritto privato romano: 253-282), fatta eccezione per i paragrafi 288-289, 293-294, 298-299. Degli stessi autori potrà essere utilizzata una qualsiasi delle edizioni adottate nei precedenti anni accademici, con esclusione, in tal caso, dell'APPENDICE ('Sulle fonti di cognizione').</p> <p>in alternativa:</p> <p>—G. MANCUSO, Profilo pubblicistico del diritto romano, voll. I e II, ed. Torre, Catania, 2002-2003.</p> <p>Per un approfondimento degli argomenti affrontati durante il ciclo di lezioni si suggerisce l'impiego di P .CERAMI, G. PURPURA, Profilo storico-giurisprudenziale del diritto pubblico romano, Giappichelli, Torino, 2007, pp. 349, il cui Capo V 'Produzione e interpretazione del diritto: dal diritto giurisprudenziale al diritto statutale' (pp. 267-335), eccezion fatta per il § 37 (pp. 280-295), costituisce, comunque, parte integrante del programma.</p>

### SYLLABUS

Hrs	Frontal teaching
6	Introductory concepts (iurisprudentia-scientia iuris; ars-techne-epistheme: ius est ars boni et aequi; Diritto pubblico-diritto privato nella riflessione moderna e romana: ius publicum-ius privatum; sacra, sacerdotes, magistratus: Ulp. 1 inst. D.1.1.1.2 )
23	Roman constitutional structures: Regnum; Libera res publica, Crisi della Libera res publica, Principato, Dominato.
18	Sources of Roman Law, sources for knowledge of Roman Law, iurisprudentia.
7	Criminal law, criminal cases (coercitio-animadversio; criminal repression in the monarchy; lex horrendi carminis; provocatio ad populum-leges de provocatione; iudicia populi; quaestiones extra ordinem; quaestiones perpetuae, iudicia publica extraordinaria).
2	Evolution and characters of the civil procedure (legis actiones, formulary procedure, cognitio extra ordinem).