



# UNIVERSITÀ DEGLI STUDI DI PALERMO

|                                     |   |
|-------------------------------------|---|
| <b>DEPARTMENT</b>                   | Giurisprudenza  |
| <b>ACADEMIC YEAR</b>                | 2017/2018   |
| <b>MASTER'S DEGREE (MSC)</b>        | LAW   |
| <b>SUBJECT</b>                      | ROMAN LAW   |
| <b>TYPE OF EDUCATIONAL ACTIVITY</b> | A   |
| <b>AMBIT</b>                        | 20004-Storico-giuridico   |
| <b>CODE</b>                         | 15547   |
| <b>SCIENTIFIC SECTOR(S)</b>         | IUS/18  |
| <b>HEAD PROFESSOR(S)</b>            | D'ANGELO GIACOMO      Professore Associato      Univ. di PALERMO          |
| <b>OTHER PROFESSOR(S)</b>           |   |
| <b>CREDITS</b>                      | 9   |
| <b>INDIVIDUAL STUDY (Hrs)</b>       | 153   |
| <b>COURSE ACTIVITY (Hrs)</b>        | 72  |
| <b>PROPAEDEUTICAL SUBJECTS</b>      | 06740 - HISTORY OF ROMAN LAW  |
| <b>MUTUALIZATION</b>                |   |
| <b>YEAR</b>                         | 3   |
| <b>TERM (SEMESTER)</b>              | 2° semester   |
| <b>ATTENDANCE</b>                   | Not mandatory   |
| <b>EVALUATION</b>                   | Out of 30   |
| <b>TEACHER OFFICE HOURS</b>         | <b>D'ANGELO GIACOMO</b><br>Thursday 17:00 18:00 Polo di Trapani, aula 103 |

**DOCENTE:** Prof. GIACOMO D'ANGELO

|                               |  |
|-------------------------------|--|
| <b>PREREQUISITES</b>          | Knowledge of the basic structures of a legal system as well as the history of roman law and the history of fundamental concepts and figures of private law. Ability to argue in accordance with a case-based reasoning and dogmatic conceptual approach.   |
| <b>LEARNING OUTCOMES</b>      | Knowledge and understanding.<br>Knowledge of the roman private law in its historical development and understanding of the issues and methods of the roman science of law and roman private law systems (ius civile, ius honorarium, ius gentium, ius novum).<br>Applying knowledge and understanding.<br>Ability to coordinate the different factors of evolution of the roman private law and to link the various institutes in their mutual systematic relationships.<br>Making judgements.<br>Proper identification of the peculiarities of the Roman legal concepts and institutes and aptitude to critically evaluate the contents of the syllabus.<br>Communication.<br>Communicating knowledge in a concise, comprehensive and convincing manner and with use of appropriate terminology.<br>Lifelong learning skills.<br>Ability to recognize the essential features characterizing the roman legal system in its peculiar aspects linked to the central creative role of the jurists.   |
| <b>ASSESSMENT METHODS</b>     | Oral final exam (grades on a scale between 18 and 30 cum laude) and oral test in progress. 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 specific issues and legal cases. The evaluation will be sufficient if the candidate shows at least evidence of a minimum of ability to critically examine specific issues and legal cases. He/she must also demonstrate command in the specialized language and sufficient argumentation skills. Under those thresholds, the outcome will be insufficient. The more the candidate demonstrates detailed knowledge and understanding of the topics and his/her abilities to develop a reasoning aimed at the application of theoretical knowledge to specific cases in order to argue and possible solutions, the more the evaluation will be positive.<br>The evaluation will take place according to the following grid:<br>"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, excellent abilities to critically examine specific issues and legal cases;<br>"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, very good abilities to critically examine specific issues and legal cases;<br>"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, good abilities to critically examine specific issues and legal cases;<br>"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, satisfactory abilities to critically examine specific issues and legal cases;<br>"sufficient", 18-20: sufficient knowledge of the main teaching and technical language issues, sufficient capacity to independently apply theoretical knowledge;<br>insufficient outcome: the student does not have a sufficient knowledge of the various syllabus topics and sufficient command in the specialized language.<br>The oral test in progress will take place during the semester and will consist of a minimum of two questions on the syllabus topics preventively indicated by the teacher. The test is devoted to offer the student an opportunity to do a preliminary check up of his/her overall understanding and knowledge of the syllabus as well as to test the ability of the candidate to critically examine institutes and specific legal cases. Submission to the test in progress is merely optional for the student. The evaluation of the test in progress will be based on the range above expressed ("excellent", "very good", "good", "satisfactory", "sufficient", "insufficient") and, if it will be positively exceeded with at least sufficient evaluation, this outcome affects the final vote in a proportion not exceeding 50%, in relation to the part of the syllabus which is actually the subject of the test itself. However, the final oral exam will be passed if the student has at least a sufficient evaluation. The student may nevertheless refuse the outcome of the test in progress and undertake the oral final exam on the entire syllabus. |
| <b>EDUCATIONAL OBJECTIVES</b> | The course aims to provide the students with the awareness of the historical character, and, therefore, of the relativity of each legal phenomenon (institutions as well as theoretical and dogmatic constructions) with the rejection of any  |

|                               |  |
|-------------------------------|--|
|                               | strictly formalistic idea of law. Also through the study of the interpretive methods of the Roman jurists, the course intends to improve the legal reasoning, even in order to acquire skills in several areas of law, including the most qualified lawprofessions and research training activities at the university. |
| <b>TEACHING METHODS</b>       | Lectures   |
| <b>SUGGESTED BIBLIOGRAPHY</b> | M. MARRONE, Manuale di diritto privato romano, Giappichelli editore, 2004.<br>Durante le lezioni verranno distribuiti materiali didattici.   |

## SYLLABUS

| Hrs | Frontal teaching  |
|-----|---|
| 10  | Introduction to Roman private law and to the factors of production and development . Legal pluralism in roman law. Cases, jurist and interpretation in Roman law. |
| 8   | Law of persons. Family Law.   |
| 4   | The negotia iuridica  |
| 16  | Romal legal procedure. Legis actiones, the formulary system, cognitiones extra ordinem  |
| 10  | Res, Ownership and iura in re aliena, Possession  |
| 16  | The Law of Obligationes   |
| 2   | Donatio   |
| 6   | The Law of Succession   |