



# UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza		
ACADEMIC YEAR	2021/2022		
MASTER'S DEGREE (MSC)	LAW		
SUBJECT	FOUNDATIONS OF EUROPEAN LAW		
TYPE OF EDUCATIONAL ACTIVITY	D		
AMBIT	20016-A scelta dello studente (dm270)		
CODE	18722		
SCIENTIFIC SECTOR(S)	IUS/18		
HEAD PROFESSOR(S)	SCIORTINO SALVATORE	Professore Ordinario	Univ. di PALERMO
OTHER PROFESSOR(S)			
CREDITS	6		
INDIVIDUAL STUDY (Hrs)	102		
COURSE ACTIVITY (Hrs)	48		
PROPAEDEUTICAL SUBJECTS			
MUTUALIZATION			
YEAR	2		
TERM (SEMESTER)	2° semester		
ATTENDANCE	Not mandatory		
EVALUATION	Out of 30		
TEACHER OFFICE HOURS	<b>SCIORTINO SALVATORE</b> Monday 09:00 14:00 Dipartimento di Giurisprudenza, via Maqueda 172, sezione di storia del diritto, I piano, stanza personale ubicata verso la meta del corridoio della sezione.		

**DOCENTE:** Prof. SALVATORE SCIORTINO

<b>PREREQUISITES</b>	Adequate knowledge of general notions concerning the history of ideas, the main periodizations of ancient, medieval, modern and contemporary history as well as the major legal concepts. A good knowledge of the English and of the Latin language is essential. It would be better to have at least an elementary knowledge of the Greek language.
<b>LEARNING OUTCOMES</b>	Knowledge and Understanding: Knowledge of the covered phenomena in their historical development. Applying Knowledge and Understanding: Ability to coordinate the different topics in their mutual dogmatic- and historical relationships. Making Judgements: Proper identification of the peculiarities of the considered topics and aptitude to critically evaluate the contents of the Syllabus. Communication skills: Communicating knowledge in a concise, comprehensive and convincing way and with use of appropriate terminology. Lifelong learning skills: Ability to recognize the essential features characterizing the legal phenomena examined in the light of Roman Law, Byzantine Law and Western European tradition.
<b>ASSESSMENT METHODS</b>	Oral final exams – Grades on a scale between 18 and 30 cum laude. The final oral exam consists of an interview (on at least two questions) on all topics considered during the course. The interview aims to check the knowledge and understanding of the topics in the Syllabus. The evaluation will take place according to the following grid: “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; “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; “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; “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; “sufficient”, 18-20: sufficient knowledge of the main teaching and technical language issues, sufficient capacity to independently apply theoretical knowledge; insufficient outcome: the student does not have a sufficient knowledge of the various syllabus topics and sufficient command in the specialized language
<b>EDUCATIONAL OBJECTIVES</b>	The course aims to examine the historical development of some civil procedural institutes and notions, of great relevance for the European legal tradition. It will be done from classical Roman and Justinian law, until the 19th century. The course takes place through the direct reading of Roman and Byzantine legal sources, as well as medieval and modern sources that have been influenced by them.
<b>TEACHING METHODS</b>	Lectures
<b>SUGGESTED BIBLIOGRAPHY</b>	Materiale didattico e fonti analizzati durante le lezioni.  Educational material and sources analyzed during the lectures.

## SYLLABUS

Hrs	Frontal teaching
10	Introduction. The influence of Roman and Byzantine legal Thought on the juridical Tradition of Middle Age and on the "Pandettistica".
14	The notion of actio. Actio and iudicium in classical Roman law. The concept of actio in the cognitiones extra ordinem. The Action in Justinian law: general actions and special actions.
14	The question of drafting the "libellus conventionis" in the justinianic trial for libellum, with particular reference to the mentions of the name of the actio. The transition from a typical system to an atypical system of actions.
10	The name of the actio in the "libellus conventionis" according to medieval jurists. The "Pandettistica" and modern codes: the origins of the italian "atto di citazione".