**Roman Law Institutions (academic year 2018 - 2019)**

**(9 CFU, 36 hours)**

**Prof. Tommaso dalla Massara**

**Purpose of the course**

The course aims at providing the students with the main categories and the basic terminology of Roman private Law, as well as at enlightening the Roman origins of several institutions and many forms of legal reasoning that nowadays characterize the current European private Law. It will indeed deal with absolute and relative rights, ownership and rights *in rem*, obligation, legal act, contract, tort, successions, *etc.* The course will focus on Roman civil procedure, and particular attention will be given to the dialectics existing between ‘substantive’ and ‘remedial’ approaches. The course also aims to encourage students to consider specific legal issues: students should become familiar with the methodological tools needed to apply theoretical knowledge to private Law issues.

**Program**

Preliminary and preparatory exams: not required.

General part

- Sources of Roman Law (the study is recommended on A. BURDESE, Manuale di diritto privato romano4, Torino, 1993).

- Private legal procedure.

- Individuals and family (this part can be studied - in an abridged version - also in Diritto privato romano2, a cura di A. Schiavone, Torino, 2010).

- Facts, acts and legal act.

- Obligations and contract law.

- Rights in rem.

- Donations.

- Inheritance law.

Special part: L. GAROFALO, Fondamenti e svolgimenti della scienza giuridica. Nuovi saggi, Torino, 2015

The program provides the possibility of choosing, alternatively, between two groups of essays:

I) Homo liber e homo sacer: due archetipi dell’appartenenza.

Sull’eccezione di dolo generale.

II) Principi e ordinamento romano: una riflessione sulle orme di Fritz Schulz.

L’arbitraggio sul prezzo.

Each student is required to study the special part of the program planned for his/her first academic year of attendance, with the possibility, at his/her own free choice, to opt for the current academic year program.

Considering that the objective of the course is to provide an institutional preparation, the teaching method aims at encouraging legal reasoning through lectures that expose institutions by taking into account their logical and systematic correlations. In line with the expected results, the approach to some practical cases will not be neglected as a further outcome. In this regard, consider the course of training in view of the 'Moot court competition. Roman law and civil law tradition': it is a subsidiary teaching activity carried out within the frame of the project 'Laboratorio Romanistico Gardesano', on the basis of an agreement signed in 2015 by the Universities of Verona, Brescia, Trento and Milano 'Statale'. This activity is directed to select the members of the Verona team that will take part at the competition (held each year in June at Palazzo Feltrinelli – Gargnano, BS). It is anyhow a course open to any interested student and it is particularly recommended to the students attending the course of Institutions of Roman Law, as to improve their ability to apply the legal reasoning to the concrete case.

Any conference and /or seminar of interest, as well as any tutoring and / or optional laboratory activity relevant for the course will be communicated during the class hours.

Students who are interested in studying some parts of the program on textbooks of Roman law written in German, French or English are kindly asked to contact the Professor during the class hours.

ERASMUS students are kindly asked to contact the Professor at the beginning of the course to define the program: the exam will consist in the discussion of an essay, written in Italian or English, where the student will deepen a specific topic agreed with the Professor.

Textbooks

**Bibliography**

General part

A. BURDESE, Manuale di diritto privato romano4, Torino, 1993;

or alternatively:

M. MARRONE, Istituzioni di diritto romano3, Palermo, 2006 (this textbook is suggested to students who are not familiar with the minimal and essential Latin expressions that are required for exam preparation);

or alternatively:

A. LOVATO, S. PULIATTI, L. SOLIDORO MARUOTTI, Diritto privato romano2, Torino, 2017.

Special part

L. GAROFALO, Fondamenti e svolgimenti della scienza giuridica. Nuovi saggi, Torino, 2015.

**Teaching material**

Teaching material will be also uploaded on the e-learning platform.

**Examination’s modalities**

Objectives of the examinations

Knowledge of the substantial and procedural institutions of Roman law.

Contents and modalities of examinations

For all the students – whether attending the course or not – the exam will consist in a preliminary written test limited to the general part (with the submission of five open questions to which the student is required to answer in the maximum time of twenty-five minutes), and in an oral interview, in which, after a brief discussion of the written exam, the knowledge of the general part as well as of the special one will be further examined.

The final mark will be expressed in thirtieths.