TEACHING GUIDE

SUBJECT: ROMAN LAW
COURSE: 1ST
SEMESTER: 1ST
DEGREE: LAW
FACE-TO-FACE MODALITY
ACADEMIC YEAR: 2020/2021
FACULTY OF LAW
# 1. IDENTIFICATION OF THE SUBJECT

## 1.- SUBJECT:

<table>
<thead>
<tr>
<th>Name: Roman Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code: SAUCE. 123 SIGMA 12073</td>
</tr>
<tr>
<td>Year in which it is taught: first</td>
</tr>
<tr>
<td>Term in which it is taught: first</td>
</tr>
<tr>
<td>Kind: Basic</td>
</tr>
<tr>
<td>Degree in which the subject is taught: Law</td>
</tr>
<tr>
<td>Faculty in which the degree is taught: Faculty of Law</td>
</tr>
</tbody>
</table>

## 2.- ORGANIZATION OF THE SUBJECT:

| Matter: Law |
| Branch of knowledge: Law |
| ECTS of the subject: 6 |

# 2. TEACHERS OF THE SUBJECT

## 1.- IDENTIFICATION OF THE TEACHERS:

| TEACHER: Carmen Palomo Pinel, PhD. |
| CONTACT INFORMATION: 91 514 04 00 ext. 15712 cpalomo@ceu.es Office 2.01 B Faculty of Law |
| Category: Adjunct teacher. ANECA certified. A six-years-term of research certified. |

## 2.- TUTORIAL ACTION:

For all inquiries regarding the subject, students can contact the teacher via e-mail, telephone and in the office at the tutoring hours that will be published in the virtual campus.

# 3. DESCRIPTION OF THE SUBJECT
The great formative value of the discipline of Roman Law makes its study unavoidable for all those who want to learn Law. The program has chosen a line that, without neglecting the dogmatic aspects that allow comparing Roman Law with the modern one with remarkable ease, focuses on the legal reasoning present in the essential texts of the Roman jurisprudence. Thus, it is possible to understand the reasonableness of the different solutions provided by the Roman authors to the various legal problems in their historical evolution. It is all about learning to think and argue from a legal point of view through the works of the initiators of legal science, the Roman jurists. Therefore, the course not only aims to provide some historical and dogmatic knowledge, but also seeks to familiarize the students with the legal terminology (including Latin expressions) and exercises in the resolution of legal problems.

4. SKILLS

4.1. SKILLS

Basic skills

CB1 That students have demonstrated to possess and understand knowledge in an area of study that starts from the base of general secondary education, and is usually found at a level that, although supported by advanced textbooks, also includes some aspects which imply knowledge coming from the vanguard of their field of study.

CB2 That students know how to apply their knowledge to their work or vocation in a professional manner and possess the skills that are usually demonstrated through the elaboration and defence of arguments and the resolution of problems within their area of study.

CB3 That students have the ability to gather and interpret relevant data (usually within their area of study) to make judgments that include a reflection on relevant issues of a social, scientific or ethical nature.

CB4 That students can transmit information, ideas, problems and solutions to a specialized and non-specialized public.

CB5 That the students have developed those learning skills necessary to undertake further studies with a high degree of autonomy.

Specific skills

CE1 Understanding Spanish law as the ultimate product of a complex legal evolution.

CE3 Understanding the basic principles of History both Universal and Spain from a diachronic conception.

CE11 Understanding the importance of Law as a regulatory system for social relations at a national and/or international level.

4.2. LEARNING OUTCOMES:

1º. Knowledge of Roman and European legal experience.

The historical-political context, the sources of law and the main institutions, public and private, are studied to fully understand the origin and basis of our current law, as well as the process of reception of Roman Law in Europe.

2º. Development of legal reasoning.
Through the examination and discussion of the rich Roman casuistry, the achievement of an adequate use of the Latin legal terms most frequently employed is attempted, as well as the correct application of the principles of classical legal argumentation.

3º. Critical assessment of the solutions provided by the Roman jurists to the different problems, carrying out an analysis of the weight of its justice and equity and its intrinsic value. An approximation to Comparative law is also made through the confrontation of the different legal systems of the continental and Common Law systems from a romanistic point of view.

5. TRAINING ACTIVITIES

. DISTRIBUTION OF STUDENT WORK:

<table>
<thead>
<tr>
<th>Code</th>
<th>Name</th>
<th>Face-to-face hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>AF1</td>
<td>Master class</td>
<td>6</td>
</tr>
<tr>
<td>AF2</td>
<td>Seminar</td>
<td>34</td>
</tr>
<tr>
<td>AF3</td>
<td>Workshop</td>
<td>20</td>
</tr>
<tr>
<td>TOTAL</td>
<td>Face-to-face hours</td>
<td>60</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Code</th>
<th>Name</th>
<th>Non face-to-face hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Autonomous Student Work</td>
<td></td>
<td>120</td>
</tr>
</tbody>
</table>

2. TRAINING ACTIVITIES

<table>
<thead>
<tr>
<th>NAME OF THE ACTIVITY</th>
<th>CODE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lecture</td>
<td>AF1</td>
<td>Training activity in the classroom-seminar that prioritizes the transmission of knowledge by the professor, it requires from the student to prepare and / or study afterwards.</td>
</tr>
</tbody>
</table>
### Seminar AF2
Formative activity in the classroom-seminar that encourages cooperative learning among students. The professor leads the study and the understanding of the subject.

### Workshop AF3
Formative activity in the classroom-seminar. The professor guides to resolve practical cases of different problematic and of special interest.

### Personal Work AF6
Training activity in which the student independently manages their learning through the study of the training materials or the activities indicated by the professors.

## 6. EVALUATION SYSTEM

### 1. CLASS ATTENDANCE:
- In order to qualify for the continuous assessment system, attendance at 75% of theory classes is required (attendance controls will be carried out). Since the student can miss 25% of the total of the classes, absence justifications will not be accepted.
- Attendance at practical classes is compulsory at 75%.

### 2. SYSTEMS AND ASSESSMENT CRITERIA:

<table>
<thead>
<tr>
<th>CONTINUOUS ASSESSMENT</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Code</strong></td>
<td><strong>Name</strong></td>
</tr>
<tr>
<td>SE1</td>
<td>Final exam</td>
</tr>
<tr>
<td>SE2</td>
<td>Continuous assessment: other activities for assessment</td>
</tr>
</tbody>
</table>

### EXTRAORDINARY EXAM
The student who does not pass the subject in the ordinary call must take the final exam in the extraordinary call, which will cover all the content in the subject.

In the extraordinary call, the percentages required for the continuous assessment will not be applied; The obtained mark will be the exam result, which will be assessed 100%. However, the content of the examination of the extraordinary call will include different exercises (theoretical / practical) that demonstrate the aptitude of the student in the required skills.

### 3. ASSESSMENT SYSTEMS DESCRIPTION
<table>
<thead>
<tr>
<th>SYSTEM NAME</th>
<th>CODE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Written exam</td>
<td>SE1</td>
<td>Short answer exam, (test), development of topics or compression of concepts.</td>
</tr>
<tr>
<td>Practical exam</td>
<td>SE2</td>
<td>Written and / or oral exam of papers, text comments, opinions, reports or exercises on specific topics on the subject.</td>
</tr>
<tr>
<td>Oral exam</td>
<td>SE3</td>
<td>Oral presentation of topics on specific subjects; approach and resolution of cases or presentations of individual or group papers.</td>
</tr>
</tbody>
</table>

7. PROGRAM OF THE SUBJECT

**PROGRAM ROMAN LAW**  
*(THE LEGAL REASONING IN THE WEST)*

Topic 1. INTRODUCTION:
Concept and historical context stages of Roman Law and its main characteristics; sources of Roman Law; the Romanistic tradition.

Topic 2 PERSON AND FAMILY
The physical person; The three status and the concept of civil status; Existence of man: birth; the nasciturus; death. Presumptions and fictions. 
Modern distinction of legal capacity and capacity to act. Modifying causes: tutorship and guardianship. The legal entity. The Roman marriage.

Topic 3. SUCCESSIONS.
Hereditas and successio. Ab intestate and testamentary succession: Fundamental concepts.

Topic 4. LEGAL ACTS.
Legal act: Concept. Lessons. - Essential elements, natural and accidental (condition, term and mode). The legal reasoning in matters of will and declaration of will. Vices of the will (vis metus, dolus, error). Discordance between will and statement: simulation, mental reservation and obstative error.

Topic 5. THINGS. DISTINCTION BETWEEN REAL AND PERSONAL RIGHTS.

Topic 6. PROCEDURE
The procedure as a way of solving conflicts: -Fundamental concepts. -The stages of the Roman procedure.

Topic 7 POSSESSION AND OWNERSHIP

Topic 8 REAL RIGHTS OF USE AND ENJOYMENT.
Servitude rights or servitudes. - usufruct, use and habitation. - emphyteusis and surface

Topic 9 REAL RIGHTS OF GUARANTEE
Pignus- hypotheca

Topic 10 OBLIGATIONS
Concept, object, sources, typology, responsibility, guarantee, reinforcement, transmission and extinction.

Topic 11 CONTRACTS
Contract, agreement and convention. Contractual figures according to Gaius’ theory; Real contracts (consumer loan, loan, deposit and pledge), verbal (stipulations), literal and consensual (purchase, lease, mandate and society).

8. BIBLIOGRAPHY OF THE SUBJECT

1.- BASIC BIBLIOGRAPHY:


2.- FURTHER READING:


MANUAL DE DERECHO ROMANO VIRTUAL. Materiales didácticos de IUSTEL. www.iustel.com


3.- ONLINE RESOURCES:

1. Virtual handbook
www.iustel.com

2. Useful web resources:

SOURCES:
The Roman Law Library:
http://webu2.upmf-grenoble.fr/Haiti/Cours/Ak/

http://www.thelatinlibrary.com/

GENERAL ROMAN LAW RESOURCES:

http://iuscivile.com/

http://archiv.jura.uni-saarland.de/Rechtsgeschichte/lius.Romanum/deutsch.html

http://local.droit.ulg.ac.be/sa/vinitor/

CLASSICS RESOURCES:

http://penelope.uchicago.edu/Thayer/E/Roman/home.html

http://www.culturaclasica.com/

http://www.fordham.edu/halsall/ancient/asbook.asp

LATÍN:

http://www.perseus.tufts.edu/hopper/

http://www.textkit.com/
9. BEHAVIOUR RULES

1.- RULES:

Absences in the Academic Integrity (absence of quotation of sources, plagiarism of works or improper/forbidden use of information during the exams), as well as signing in the attendance sheet by a companion who is not in class, will imply the loss of the continuous assessment, together with the sanctioning actions that are established.