UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Roman Origins of The European Private Right

1920-4-A5810134

Learning objectives

The subject of the lecture is the analysis of some selected central constructs and concepts of private law, from roman antiquity to modern legal codifications in order to create an understanding for continuities as well as discontinuities among the contemporary legal systems and their history. The main focus will be on the sources of obligations and in particular on the *obligationes ex contractu* and *quasi ex contractu* .

The teaching aims to promote the acquisition of a heightened critical sensibility in the interpretation of legal texts and the development of a historical-doctrinal awareness in the analysis of contemporary as well as antique sources of law.

Contents

Comprehension of the multiple romanistic fundaments of European law constitutes a vital component of the education and training of contemporary lawyers. The analysis of the historic roots present in modern day regulations permits to perceive and understand the reasons and the value of the rules applied, becoming an instrument of evaluation of the application and, eventually, possible improvement of such

regulations. The main focus of the course will be on the sources of obligations.

Detailed program

The course will be dedicated to the concept of obligation in its historical development and to the sources of obligations by confronting and comparing the classifications conveyed by Roman law with those contained in the Italian civil code as well as some of the regulations in other member states of the European Union (e.g. ABGB, BGB, Code Civil) in order to identify and understand analogies, synergies and distinctions of the structure of legal regimes and their application.

Most of the lessons will be held in an interactive, seminar-like style, strongly dedicated to the exegetical analysis of a variety of selected legal sources. The goal is to provide an incentive for students to actively participate, stimulating textual analysis and the formulation of interpretative hypotheses based thereon. Exercises will be offered in which students will be able conduct short, specific research on topics

taught during lessons.

Prerequisites

In order to successfully complete the exam in Roman Foundations of European Private Law, it is strongly suggested that both the exams in Institutions of Roman Law as well as in History of Roman Law have already been passed by the students.

However, knowledge of Latin is not a requirement, since for all texts analyzed, a translation will be provided.

Teaching methods

Most of the lessons will be held in an interactive, seminar-like style, strongly dedicated to the exegetical analysis of a variety of selected legal sources. The goal is to provide an incentive for students to actively participate, stimulating textual analysis and the formulation of interpretative hypotheses based thereon. Exercises will be offered in which students will be able conduct short, specific research on topics taught during lessons.

Assessment methods

Oral exam

Textbooks and Reading Materials

Students following this class will prepare the exam using texts proposed by the teacher during the lecture as well as their own seminar contributions.

Not attending students

C.A. Cannata, Materiali per un corso di fondamenti del diritto europeo, II, Torino 2008.