UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Roman Law

2627-4-A5810036

Learning objectives

The objectives of the course according to the Dublin indicators are:
Knowledge and understanding: at the end of the course the student will have acquired familiarity with the casuistic method, through which jurists have gradually "invented" the law.
Applied knowledge and understanding: having acquired awareness of the casuistic method, the student will have mastery of the analytical and historical perspective, of the extensive and applicative possibilities of legal concepts, of the transition from casuistics to system.
Making judgments: at the end of this course the student will acquire critical capacity in the analysis of legal and non-legal texts, having in particular the focus on the concepts of iustitia, humanitas and aequitas developed by Roman jurists and later by Romanistic thought, and to develop the critical capacity necessary for a jurist.
Communication Skills: the student must be able to motivate with legal precision and effective exposition his conclusions about the sources examined.
Learning Skills: at the end of this course the student will be able to apply the proposed model to the legal texts that he may face in his future professional life, also in view of the proposal of solutions adequate to the different demands of future society

Contents

Through the examination of a selection of texts drawn primarily from Justinian's Digest and provided in English translation, the course explores the distinctive Roman experience of legal development: from the analysis of concrete cases to the formulation of decision-making criteria and, progressively, of general legal rules. The focus is not primarily on the institutions of Roman private law (already covered in the foundational course Institutes of Roman Law), but rather on the logical and argumentative processes through which Roman jurists resolved disputes and, starting from concrete cases, developed decision-making criteria capable of acquiring the status of general legal rules.
The course aims to reconstruct the logical and argumentative procedures employed by Roman jurists, analysing them also in the light of the guiding principles of Roman jurisprudence, including, among others, aequitas, bona

fides, humanitas, and utilitas.

Detailed program

Analysis of texts by Roman jurists concerning family relationships, contracts and property law:
Identifying the legal issue.
What is the problem?
Which interests are in conflict?
What possible solutions are available (ius controversum)?
Which arguments are employed and within what value system?
What decision-making criterion is developed?
Can it be formulated as a general legal rule?

Prerequisites

Knowledge of the italian language. Knowledge of Latin is not essential, but a propensity for careful reading of the translations that will be discussed in lessons and published on e-learning is recommended.

Teaching methods

The course is designed as a practical workshop on the construction of legal solutions. For each text, students will be guided in reconstructing the legal issue, the alternative possible solutions, the arguments employed by the Roman jurist, and the reasoning process leading to the final solution.
This analysis will be synthesised through argumentation maps, used as analytical tools to represent the logical structure of legal reasoning. The aim of the course is not merely to understand the reasoning of Roman jurists, but to enable students to acquire a method for constructing legal solutions based on case analysis, textual interpretation, and legal argumentation, which can also be applied to the analysis of further cases.
Lectures including practical discussions.

Assessment methods

Oral exam. Those who attended the lectures in person will be able to elaborate a written text.
or
discussion of one of the four sections of the book "Il diritto allo stato puro?" di C. Buzzacchi, I. Fargnoli, ed. Giuffrè Lefebvre, Milano, 2021 and introduction, chosen by the student.

Textbooks and Reading Materials

Relevant materials will be assigned during classes.
OR One of the four sections of the volume "Il diritto allo stato puro?" di C. Buzzacchi, I. Fargnoli, ed. Giuffrè

Lefebvre, Milano, 2021.

Sustainable Development Goals

QUALITY EDUCATION | GENDER EQUALITY | REDUCED INEQUALITIES | PEACE, JUSTICE AND STRONG INSTITUTIONS