

ROMANISTIC FOUNDATIONS OF EUROPEAN LAW
2021-2022,
V year I Semester,
ECTS 4

prof. Mariateresa Carbone

<p>Course Information</p>	<p>Master's Degree in Law Course of ROMANISTIC FOUNDATIONS OF EUROPEAN LAW 6 ECTS, 42 HOURS</p> <p>LANGUAGE: ITALIAN</p> <p>4 ECTS prof. Mariateresa Carbone + 2 ECTS prof. Paolo Marra academic year 2021-2022, V year I semester</p>
<p>Professor Information</p>	<p>(Department of Law, Economic and Sociology).</p> <p>MARIATERESA CARBONE Contacts: mtcarbone@unicz.it, uff. 09613694936; cell. 3371021349 Student reception: room 18, "S. Venuta University Campus", Legal-economic building. At the end of each month, the calendar of weekly receptions set for the following month is published. It is possible to arrange remote receptions on the University platform, upon request by e-mail to the address indicated above. Timetables are available on the Department website on the Faculty page.</p>
<p>Course Description</p>	<p>The course aims to highlight the various aspects that allow you to grasp the fundamental importance of Roman law as the inspiring system of the various European legal systems, which have developed over the centuries, in particular from the Middle Ages to the modern age. In the final part of the course, attention will be focused on the formation of the European legal tradition in contractual matters also in the perspective of recent projects for the unification of European contract law. This in-depth analysis is conducted through the analysis of the texts and the main regulations or draft legislation on certain topics relating to the general part of the contract.</p>
<p>Course objectives and expected learning outcomes</p>	<p>The aim of the course is to make students aware of the extreme peculiarity of the Roman legal system which, thanks to its evolution, has allowed the development of legal categories that modalities imperishable. These categories, in fact, were implemented and revealed themselves as European laws influenced, in different ways and measures, the laws currently in force, and this will occur in particular with reference to contractual matters. The expected learning outcomes</p>

	correspond directly to the objective just envisaged.
<p>Program (contents, methods of development); Possible distinction of programs between attending and non-attending students</p>	<p>Below is the general program of the course, with an indication of the contents of the two teaching modules.</p> <p><i>NOT ATTENDING STUDENTS</i></p> <p>I MODULE (4 CFU) PROF.SSA CARBONE The sources of Roman law. The Compilation of Justinian. From the death of Justinian (565) to the Holy Roman Empire of Charlemagne (800). The School of Glossators and the new science of law. The University. The Commentators. <i>Mos Italicus, mos Gallicus</i> and <i>usus modernus Pandectarum</i>. Civil Law and Common Law. Natural law, legal enlightenment and modern codifications. The German historical school. Notes on the formation of the European legal tradition in contractual matters. Contract law in the legal systems of some European countries: historical background and current sources. The most recent projects for the unification of European contract law.</p> <p>II MODULE (2 CFU) PROF. MARRA The transfer of ownership, and the sale: from Roman law to contemporary European systems. General provisions on contractual matters: contractual freedom. Concept and formation of the contract: Definition of Contract. Pre-contractual responsibility: negotiations and confidentiality duties. Some aspects of the execution of the contract: the determination of the price.</p> <p><i>ATTENDING STUDENTS</i></p> <p>I MODULE (4 CFU) PROF.SSA CARBONE The sources of Roman law. The Compilation of Justinian. From the death of Justinian (565) to the Holy Roman Empire of Charlemagne (800). The School of Glossators and the new science of law. The University. The Commentators. <i>Mos Italicus, mos Gallicus</i> and <i>usus modernus Pandectarum</i>. Civil Law and Common Law. Natural law, legal enlightenment and modern codifications. The German historical school.</p> <p>II MODULE (2 CFU) PROF. MARRA The transfer of ownership, and the sale: from Roman law to contemporary European systems. A topic to be chosen from:</p> <ol style="list-style-type: none"> 1) Notes on the formation of the European legal tradition in contractual matters 2) Contract law in the legal systems of some European countries: historical background and current sources. 3) The most recent projects for the unification of European contract law.

	<p>4) General provisions on contractual matters: contractual freedom. 5) Concept and formation of the contract: Definition of Contract 6) Pre-contractual responsibility: negotiations and confidentiality duties. 7) Some aspects of the execution of the contract: the determination of the price.</p>												
Estimate of the commitment requie for individual study in terms of hours	The integral program requires an individual study of the student equal to approximately 150 hours for non-attending students and 70 hours for attending students												
Teaching methods	Teaching will take place through lectures. During the course, other teaching material may be distributed and the course may be enriched with lectures and seminars by other teachers.												
Learning resources (recommended textbooks, further recommended reading, other educational material)	<p><i>Atene e Roma. Alle origini della democrazia moderna e la tradizione romanistica nei sistemi di Civil law e di Common law</i>, a cura di F. Costabile, Giappichelli Editore, Torino 2016, solo pp.105-138;</p> <p>A. PETRUCCI, <i>Fondamenti romanistici del diritto europeo. La disciplina generale del contratto I</i>, Torino 2017, solo pp. 3-54; 110-168; 347-374.</p>												
Support Activities	Weekly interviews to provide, where necessary, clarifications and insights on the topics covered by the program as well as to verify the study method and the level of learning.												
Modality of Attendance	Attendance to the course is not compulsory. To the attending-students is allowed to sustain an intermediate test (That will regard a specific part of the programme) of which the performing modality will be erpcained during the course.												
Modality of Assessment of knowledge	<p>The final exam will be eld in oral form following more or less the indications enlighted in this box:</p> <table border="1" data-bbox="486 1579 1428 2040"> <thead> <tr> <th></th> <th>Knowledge and understanding of the topic</th> <th>Ability to analyze and synthesize</th> <th>Use of references</th> </tr> </thead> <tbody> <tr> <td>Fail</td> <td>Severe shortcomings and inaccuracies</td> <td>Irrelevant. Frequent generalizations. Inability to synthesize</td> <td>Completely inappropriate</td> </tr> <tr> <td>18-20</td> <td>Sufficient. Important shortcomings.</td> <td>Sufficient capabilities</td> <td>Sufficient</td> </tr> </tbody> </table>		Knowledge and understanding of the topic	Ability to analyze and synthesize	Use of references	Fail	Severe shortcomings and inaccuracies	Irrelevant. Frequent generalizations. Inability to synthesize	Completely inappropriate	18-20	Sufficient. Important shortcomings.	Sufficient capabilities	Sufficient
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18-20	Sufficient. Important shortcomings.	Sufficient capabilities	Sufficient										

		21-23	Basic knowledge	The student is capable of correct analysis and synthesis, argues logically and consistently	The student uses standard references
		24-26	Satisfactory. Good knowledge	The student has good analysis and synthesis skills. The arguments are expressed consistently	The student uses standard references
		27-29	Very Good	The student has considerable skills in analysis and synthesis	The student deepened the topics of the exam
		30-30L	Excellent	The student has excellent analysis and synthesis skills	Important insights.