1- SUBJECT DESCRIPTION

This course provides an overview of European legal history, without which the current European legal systems cannot be fully understood.

Traditionally, legal history was studied in terms of national history. In the last few decades, however, factors such as the process of European integration and the debate on a common private law in Europe have made the European standpoint a more fruitful and attractive one.

The course is also based on the conviction that sound understanding of the law of past times is facilitated by making reference to its cultural, philosophical, and political context.

2- OBJECTIVES AND SKILLS

This course aims at helping the students to develop the skills required to understand the formation and historical evolution of the common legal background of Europe, along with its diverse traditions and national expressions. Likewise, the students will acquire the skills necessary to critically analyze, synthesize, present, and reason on contents related to legal history.

3- CONTENT

PART I: ROMAN LAW

1. POLITICAL AND HISTORICAL CONTEXT OF ROMAN LAW
   Overview of the history of Rome

2. ARCHAIC ROMAN LAW
   Fas and ius; ius civile; XII tabulas; legis actiones

3. PRE-CLASSICAL ROMAN LAW
   Republican institutions; ius honorarium; procedure per formulam
4. CLASSICAL ROMAN LAW
Ius respondendi; edictum perpetuum; cognitio extraordinaria

5. POST-CLASSICAL ROMAN LAW
Jurists; imperial legislation and codification; Christianity and the Empire

6. THE SYSTEM OF ROMAN LAW I
General features of Roman family law, property law, and law of obligations

7. THE SYSTEM OF ROMAN LAW II
General features of Roman family law, property law, and law of obligations

8. THE SYSTEM OF ROMAN LAW III
General features of Roman family law, property law, and law of obligations

9. MID-TERM TEST I

PART II: LAW IN THE MIDDLE AGES

10. GERMANIC LAW
General features of Germanic law; personality v. territoriality

11. EARLY MIDDLE AGES
Early feudal law; the seigniorial system; the decline of jurisprudence

12. LATE MIDDLE AGES
The feudal state; the re-emergence of central authority; limits of royal power

13. IUS COMMUNE
Scholastics, universities, glossators and commentators, classical canon law

14. IURA PROPIA
Plurality of legal systems; reception and acculturation; administration of justice

PART III: HUMANISM AND NATURAL LAW (16TH-17TH CENTURIES)

15. THE AFFIRMATION OF THE MODERN STATE
The collapse of the respublica christiana; secularization and nationalization

16. MODERN POLITICAL THOUGHT
The emancipation of politics; natural law; absolutism; the origins of liberalism

17. HUMANIST JURISPRUDENCE
Mos gallicus; usus modernus pandectarum; system of the Institutura

18. MID-TERM TEST II
PART IV: THE ERA OF CODIFICATION (18TH-19TH CENTURIES)

19. CODIFICATION
Enlightenment; pre-revolutionary codification; Napoleonic codes

20. POSITIVISM, ROMANTICISM, PANDEKTEN
Exegetic School, Historical School, Pandectism, BGB

PART V: LAW IN THE 20TH CENTURY

21. THE SOCIAL STATE
Weimar; Kelsen; Carl Schmitt; the idea of social and economic rights

22. LAW IN THE SOVIETIC WORLD
The idea and role of law in totalitarian states I

23. LAW IN THE NAZI REGIME
The idea and role of law in totalitarian states I

24. LEGAL BASIS OF THE EUROPEAN CONSTRUCTION
Schuman declaration; first treaties

25. LAW IN THE POSTMODERN WORLD
Decodification, lex mercatoria, international adjudication, libertarian legal thought

PART VI: COMMON LAW

26. ORIGINS OF THE COMMON LAW
Origins of the common law, central courts, writs, equity

27. COMMON LAW AND CIVIL LAW
Differences in the legal profession, legal science, and law making

EPILOGUE

28. THE IDEA OF CONTRACT THROUGH HISTORY
Roman, medieval, modern, contemporary notions of contract

29. THE ORIGINS OF TODAY’S CIVIL PROCEDURE
Romano-canonical, classical liberal, Austrian-German, common law procedural models

30. GENERAL REVIEW
4- METHODOLOGY AND ECTS WEIGHTING

4.1. TEACHING METHODOLOGY

European Legal History is a course designed to provide a strong intellectual framework for future lawyers that help them put their professional activity within a wider political, economical, intellectual, and social context, and assess it critically and independently.

It is important to point out that this course will look to European legal history from a variety of approaches that form this discipline: law, history, politics, economics, etc. In order to show the importance of this multidisciplinary approach, a number of case studies will be introduced where historical legal texts will be discussed within the context in which they were generated, as well as their position within the evolution of legal history.

Learning will be based on three main methods:

<table>
<thead>
<tr>
<th>Hours devoted</th>
<th>ECTS</th>
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<tbody>
<tr>
<td>Lectures (preparation and assistance) 23 sessions of 1.5 hours each, multiplied with factor 2 for preparation = 69 hours</td>
<td>2.3</td>
</tr>
<tr>
<td>Case studies (preparation and assistance) 6 sessions of 1.5 hours each, multiplied with factor 4 for preparation = 36 hours</td>
<td>1.2</td>
</tr>
<tr>
<td>Exam (preparation and assistance) 1 session of minimum 1.5 hours, multiplied with factor 50 for preparation = 75 hours</td>
<td>2.5</td>
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<tr>
<td>Total 180 hours</td>
<td>6</td>
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1. Lectures, in which the students will be provided with the overall view of a specific aspect of legal history. The students will have to prepare each session with assigned readings, which will be defined in due time.

2. Independent work, which will be written by students and, if considered appropriate, presented in subsequent sessions. Those students most interested in a particular aspect of legal history will be given the opportunity to carry on their research with the help of the lecturer.

3. Case studies, in which texts or topics will be presented and discussed, individually or in groups.

4.2. LEARNING METHODOLOGY / ECTS WEIGHTING

6 ECTS = approximately 180 hours of dedication for an average student
5- EVALUATION SYSTEM

5.1. GENERAL OBSERVATIONS

Each student has four attempts over two consecutive academic years to pass this course.

Class attendance is compulsory. Absence from more than 30% of the classes will result in a grade of 0.0 for the subject. In addition, students not fulfilling the attendance requirement will automatically lose the first extraordinary attempt to pass the course.

Students must do the readings and the assigned tasks for each class. Class preparation and class participation are essential in order to pass the course.

5.2. EVALUATION AND WEIGHTING CRITERIA

The grade will be generally determined based on the following criteria:

1. Attendance, attitude, class participation, mid-terms, written assignments: 50%
2. Final exam: 50%

The overall grade will be subject to adjustment as considered appropriate by the instructor in order to more accurately mirror the performance of the student. In particular, poor performance in the final exam may suffice to fail the whole course, subject to the instructor's assessment.

5.3. GRADING IN EXTRAORDINARY EXAM PERIOD

If a student's course grade is below 5.0, the student is required to take the retake exam to pass the course.

A student who has missed over 30% of the class meetings will not be allowed to take the retake exam. He will only have two attempts left to pass the course during the following academic year.

The maximum grade that students can obtain in the retake exam period is 8.0. If the student has participated in the process of continuous evaluation, the grade achieved during the period of continuous evaluation will be taken into account, and the extraordinary exam in July may have a lower weight in the overall grade, subject to the instructor's assessment to mirror the student's performance.

The exam will cover everything that students have learned in class, including lectures, case discussions and group exercises.

Students facing their 3rd or 4th call must contact the professor during the first two weeks of the course.