



## Faculty of Law - University of Lisbon

### Roman Law

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### Syllabus

## INTRODUCTION

### I. Roman Law and the Sources of Law

1. Law (*ius*) as the source of the “sources of law”
2. The rule of jurisprudence and justice as a result (not as a problem “a pensar”)
3. Law is authorial and designed for the human person
4. The *rule of law* is not the rule of laws
5. Roman law and the differentiation of the juridical rule from the legal norm

### II. What is Roman Law?

1. Definition and concept of Roman Law
2. Sources of knowledge and rules of Roman Law
3. Roman Law as *ars iuris* and/or as *scientia iuris*
4. The private essence of Roman Law

## HISTORY OF ROMAN LAW

### III. The History of Roman Law

1. What is the History of Roman Law?
2. The origins of the City of Rome
3. The Monarchy
4. The Republic
5. The Principate

6. The Dominate
7. Legal periodization and historical periodization

#### **IV. Fundamental Moments in the History of Roman Law**

1. The Law of the Twelve Tables
2. *Ius Flavianum*
3. *Iurisprudentia* as an existential-identitarian element of Roman Law
  - 3.1. *iurisprudentia* as part of *ius civile*
  - 3.2. who were the *iurisprudentes* and how did they operate?
  - 3.3. formalism: from physical action to technical expression
  - 3.4. *de verborum significatione*: legal contents and the way to communicate them
4. *Res publica* as the adequate political system to “prudential” law
5. Augustus’ *ius publice respondendi* and the beginning of the end of *iurisprudentia*
6. The instrumentalization of *iurisprudentia* by Hadrian
7. Dominate and the end of *iurisprudentia*

#### **V. The Codification of Roman Law**

1. The first codifications
2. The Law of Citations
3. The Theodosian Code
4. The legal Schools of Beirut and Constantinople
5. Justinian’s codifications: the *Corpus Iuris Civilis*

#### **VI. The Christianization of Roman Law**

1. The action and relevance of Constantine
2. Relations between religious and political powers
3. The rules of the Church and the rules of the Empire
4. The Christian legal content of Roman Law

### **ROMAN LAW**

#### **VII. The sources of Roman Law**

1. The concept of “source” of Roman Law
2. Custom and *mores maiorum* as sources of Roman Law
3. *Jus honorarium* and the edict of the *praetor* as sources of Roman Law
4. Formalizing *ius* into *lex*
5. *Lex* as a source of Roman Law
6. *Leges publicae: leges rogatae*
7. *Senatus consulta*
8. Imperial constitutions
9. *Iurisprudentia* as a source of *ius*

#### **VIII. Legal actors**

1. The tribunal (*iudicium*)
2. The *iurisprudens*
3. The lawyer (*advocatus*)

4. The judge (*iudex*)

5. The *praetor*

**Basic bibliography**

EDUARDO VERA-CRUZ PINTO, *Lições de História do Direito Romano I*, Lisboa, AAFDL, 2019

**Bibliografia in Portuguese language:**

ANTÓNIO SANTOS JUSTO, *Direito Privado Romano I*, 6.<sup>a</sup> ed., Coimbra, 2017

RAÚL VENTURA, *Manual de Direito Romano I*, Lisboa, 1964

SEBASTIÃO CRUZ, *Direito Romano (Ius romanum) I*, Coimbra, 4.<sup>a</sup> ed., 1984

**Specific bibliography and Roman Law journals:** see study guidelines in EDUARDO VERA-CRUZ PINTO, *Lições de História do Direito Romano I*, Lisboa, AAFDL, 2019, pp. 183-210