

ROMAN LAW: HISTORY OF ROMAN LAW AND THE MAKING OF CIVIL LAW

Coordinating Professor: Prof. Eduardo Vera-Cruz Pinto | Lectures (PT): Weds. & Fris. 9am @ Anf.1

Seminars: Prof. **Francisca Soromenho** | e-mail: fsoromenho@fd.ulisboa.pt | Tel: +351 918726527

GROUP 1 **Mondays 11h10-13h00** Classroom @ **10.07** | GROUP 2 **Tuesdays 09h30-11h10** @ **TBD**

Class No.	Summary	Date
0	Introduction to the course.	<i>Everyone</i> G1&2: September 22 nd
1	<u>Workshop</u> : How to write a paper. <u>Class Assignment</u> : Share a brief (~5 min) history of the legal tradition of your home country (civil law, common law) and how Roman Law influenced it.	<i>Everyone</i> G1&2: September 30 th
2	Framework. Roman Law as the origin of the <i>juridical</i> . Distinction between <i>ius</i> , <i>lex</i> , <i>fas</i> ; legal rules and statutory norms. ULPIAN and GAIUS on <i>ius</i> vs. <i>lex</i> . Roman Law and the science of Law. The making of Civil Law. <u>Read</u> : (1) MERRYMAN, J.H. and PÉREZ-PERDOMO, R., <i>The Civil Law Tradition. An Introduction to the Legal Systems of Europe and Latin America</i> . 3 rd Ed. (Stanford: SUP, 2007): 1-14. (2) JUSTINIAN, 'Constitutio Omnem' (issued 16 Dec., 533 CE).	G1: October 6 th G2: October 7 th
3	Early Rome. From Monarchy to the Republic. Social struggles (patricians vs. plebeians). Sources of Roman Law: Distinction between sources of <i>ius</i> and <i>lex</i> . The <i>Lex Duodecim Tabularum</i> . <u>Read</u> : (3) Excerpts from the Twelve Tables. <u>Quaestio</u> : Are the Twelve Tables a Roman "Constitution"?	G1: October 13 th G2: October 14 th
4	Republican Institutions and the Rise of the Praetor. Republican Assemblies and magistracies. The Praetor's role: <i>imperium</i> and <i>iurisdictio</i> . <i>Edictum perpetuum</i> and the flexibility of the <i>ius honorarium</i> . The origins of <i>iuris prudentialis</i> as source of law. <u>Quaestio</u> : Does the Praetor's Edict represent a form of Roman "judicial activism"?	G1: October 20 th G2: October 21 st
Deadline	Submission of the proposed research question (e-mail)	October 23rd
5	Law, Power, and Society. The Principle and the Transformation of Legal Sources. Augustus and the "hybrid" regime. <i>Ius publice respondendi</i> and legal authority. From <i>ius</i> to <i>lex</i> under imperial power. <u>Read</u> : (5) CORCORAN, S., Art., "Codex Justinianus" in BAGNALL RS et. al., (eds.), <i>The Encyclopedia of Ancient History</i> (Oxford: Wiley-Blackwell. 2012), one page. (6) Preface 'Haec' from the first edition of the <i>Codex Justinianus</i> , from FRIER, B.W., (general ed.), <i>The Codex of Justinian. A New Annotated Translation, with Parallel Latin and Greek Text</i> . Vol. 1: Introductory Matter, and Books I–III. (Cambridge: CUP, 2016).	G1: October 27 th G2: October 28 th
6	Late Empire, Codification and Christianization.	G1: Nov. 3 rd G2: Nov. 4 th

	<p>The Dominate and centralization of Power. Political sources of the <i>ius novum</i>. Codification and Corpus Iuris Civilis (Justinian's Codification). Christianization of Roman Law. Christianity and legal thinking. Roman Law as the foundation of a European <i>ius commune</i>.</p> <p><u>Read:</u> (7) KAISER, W., Art., "Institutiones, of Justinian" in BAGNALL RS et. al, (eds.), <i>The Encyclopedia of Ancient History</i> (Oxford: Wiley-Blackwell. 2012), two pages.</p> <p>(8) JUSTINIAN, <i>Institutes</i>. Preface confirming the Institutes ('Imperatoriam maiestatem...') and Institutes, Book 1, titles 1-3.</p>	
Deadline	Submission of the term research project (~2pp, e-mail)	November 6th
7	<i>Individual Review of Research Projects.</i>	G1: November 10 th G2: November 11 th
8	<p>Contemporary Resonances. Politics and the Law.</p> <p>Social issues: property, slavery, citizenship (<i>civitas Romana</i> and Edict of Caracalla).</p> <p>The Roman contribution to the concept of the <i>Rule of Law</i>.</p> <p>What does it mean to think today's legal framework in a Roman-law way?</p> <p><u>Read:</u> (9) STEIN, P., "Interpretation and Legal Reasoning in Roman Law" Chicago-Kent Law Rev 70 (1995): 1539 – 1556.</p> <p>(10) <i>Digest</i>, 41.1.1-7pr (Ps.-Gaius, Common Matters or Golden Things, book 2 and Florentinus Institutes, book 6). [Trans. WATSON et al.]</p>	G1: November 17 th G2: November 28 th
9	<p><u>Quaestio:</u> The Edict of Caracalla (212 CE).</p> <p>Did the <i>Constitutio Antononiana</i> represent a genuine step towards universal citizenship, or was it an imperial strategy for control and taxation?</p>	G1: November 24 th G2: November 25 th
No Class Office Hours	<p><i>National Holiday: Restauration of Independence Day</i></p> <p>Office hours (for all students, G1 and G2)</p>	<p><i>December 1st</i></p> <p>G1&2: December 2nd</p>
No Class Office Hours	<p><i>National Holiday (Catholic): Feast of the Immaculate Conception</i></p> <p>Office hours (for all students, G1 and G2)</p>	<p><i>December 8th</i></p> <p>G1&2: December. 9th</p>
Deadline	Final deadline for the <u>submission of papers</u> (~10-15 pp, e-mail until 23h59)	December 10th
10	Course assessment, self-assessment, end-of-term review, grading.	<p><i>Everyone</i></p> <p>G1&G2: December 16th</p>

Undergraduate Degree in Law, *Licenciatura em Direito*, 1st Year, TA, Fall Term 2025/2026