



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*)
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 *prætor* as sources of Roman Law
4. Formalizing *ius* into *lex*
5. *Lex* as a source of Roman Law
6. *Leges publicae: leges rogatæ*
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 *prætor*

EVALUATION: oral discussions in class, oral presentation in class of a previously assigned subject and written exercise in class, based on the subjects presented and discussed in class.

BIBLIOGRAPHY (available at the Faculty Library, under Cota):

Basic bibliography:

ALDO SCHIAVONE, *The roman jurists and the invention of law*, in *Codification throughout time*, pp. 119-128, 2022 [Cota: A01-1049]

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DAVID JOHNSTON (ed.), *The Cambridge Companion to Roman Law*, 2015 [Cota: A01-844]

JAVIER PARICIO, *Historia del derecho romano y su recepción europea*, 2021 [Cota: A01-931/K]; *Los juristas y el poder político en la antigua Roma*, 1999 [Cota: A01-293]

MARIO BREONE, MARIO TALAMANCA, *Il diritto in Grecia e a Roma*, 2015 [Cota: A05-878]

MAX KASER, *Storia del diritto romano*, 1977 [A01-56]

Complementary Bibliography in Portuguese language:

ANTÓNIO SANTOS JUSTO, *Manual de Direito Privado Romano*, Lisboa, 2018 [Cota: A01-857]

MARIO BREONE, *História do Direito Romano*, Lisboa, 1998 [Cota: A01-203/A]

RAÚL VENTURA, *Manual de Direito Romano I*, Lisboa, 1964 [Cota: A01-316]

SEBASTIÃO CRUZ, *Direito Romano (Ius romanum) I*, Coimbra, 4.^a ed., 1984 [Cota: A01-751/C]

Specific bibliography and Roman Law journals: see study guidelines in EDUARDO VERA-CRUZ PINTO, *Lições de História do Direito Romano I*, Lisboa, AAFDL, 2020, pp. 183-210