



Academic Year 2016-2017  
Syllabus  
Introduction to Civil and Common Law  
CFU 6  
Prof. Roberto Fiori and Geoffrey Samuel

The Course is divided in two Modules, as follows

### First Module

#### Course Description

The course deals with the civilian tradition of European law, and will be concentrated on the idea of contract in Roman law and in Civil law.

#### Teaching Method

Lectures in class

#### Schedule of Topics

|         |              |
|---------|--------------|
| Topic 1 | Roman law    |
| Topic 2 | Civil law    |
| Topic 3 | Contract law |

### Textbook and Materials

The exam will be focused on the following articles (copies will be provided during classes or by the BA Programme Student's Office):

- 1) R. Fiori, *The Roman conception of contract*, in T. A. J. McGinn (ed.), *Obligations in Roman Law. Past, Present, and Future*, University of Michigan Press, Ann Arbor 2012, pp. 40-75
- 2) R. Fiori, *Rise and fall of the specificity of contracts*, in B. Sirks (ed.), *Nova Ratione. Change of paradigms in Roman law*, Harrassowitz Verlag, Wiesbaden 2014, pp. 33-49
- 3) R. Fiori, *Contracts, Commerce and Roman Society*, in P. J. du Plessis - C. Ando - K. Tuori (eds.), *The Oxford Handbook of Roman Law and Society*, Oxford University Press, Oxford 2016, pp. 581-595

It is highly advised the reading of the following textbook:

- 4) P. Stein, *Roman law in European history*, Cambridge University Press, Cambridge 1999

### Assessment

Attendance of classes is strongly recommended.

Final oral exam.

Non-attending students (more than 20% absence) will be assigned reading, set assignments and take a final exam.

### Office hours

Prof. Fiori will receive students at the Department of Law (office hours are showed on the website DidatticaWEB: <http://didattica.uniroma2.it/docenti/curriculum/4157-Roberto-Fiori>) or after classes. [roberto.fiori@uniroma2.it](mailto:roberto.fiori@uniroma2.it)

### Second Module

#### Course Description

This part of the course will deal (1) with the common law tradition of European law (with a particular emphasis on mentality, reasoning and methods) and (2) with the notion of contract in the English common law tradition law (in comparison to the private law in the civil law tradition).

### Teaching Method

Lectures in class plus class discussion

### Schedule of Topics

|         |                                                    |
|---------|----------------------------------------------------|
| Topic 1 | General introduction to the common law             |
| Topic 2 | Development of the courts and procedural tradition |
| Topic 3 | Sources, remedies and divisions                    |
| Topic 4 | Reasoning and the law of contract (1)              |
| Topic 5 | Reasoning and the law of contract (2)              |

### Textbook and Materials

G Samuel, *A Short Introduction to the Common Law*, Edward Elgar, 2013

G Samuel, *A Short Introduction to Judging and to Legal Reasoning*, Edward Elgar, 2016

G Samuel, Selected Materials and Cases (electronic copy to be supplied)

G Samuel, *Law of Obligations*, Edward Elgar, 2010

P Legrand & G Samuel, *Introduction au common law*, Paris, La Découverte, 2008

### Further Reading

S Waddams, *Principle and Policy in Contract Law: Competing or Complementary Concepts?*, Cambridge University Press, 2011

S Waddams, *Dimensions of Private Law: Categories and Concepts in Anglo-American Legal Reasoning*, Cambridge University Press, 2003

### Assessment

Two hour written exam (two questions to be answered from a choice of five). The exam will be based upon the reading materials listed above. But students are strongly recommended to attend all classes.

### Office hours

Please contact Professor Samuel: [g.h.samuel@kent.ac.uk](mailto:g.h.samuel@kent.ac.uk)

**NOTE:** Since the course is provided for a limited number of students, **Erasmus and non-Global Governance students** who would like to attend this course and take this exam need to contact the Secretariat of Global Governance by e-mail [global.governance@uniroma2.it](mailto:global.governance@uniroma2.it) for registration and sign the Code of Conduct.