



Academic Year 2018-2019  
Syllabus  
Introduction to Civil and Common Law  
CFU 6  
Prof. Roberto Fiori and Prof. Yves Mausen

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

### Second Module

#### Course Description

This part of the course will deal with the common law tradition of European law with a particular emphasis on mentality, reasoning and methods in their historic perspective.

#### Teaching Method

Lectures in class

#### Schedule of Topics

Topic 1	General introduction to the common law tradition and the context of its development
Topic 2	The court system
Topic 3	Common law procedure I. The writ system
Topic 4	Common law procedure II. The pleading system

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Topic 5	Common law procedure III. The jury and the evidence
Topic 6	Motions in banc, review of judicial decisions and judicial control

### Textbooks

- 1) J. H. Baker, *An Introduction to English Legal History*, Oxford University Press, 4. ed., 2002.
- 2) S. F. C. Milsom, *Historical Foundations of the Common Law*, Oxford University Press, 2. ed., 1981.

### Further Reading

- 1) T. F. T. Plucknett, *Early English Legal Literature*, Cambridge University Press, 1958.
- 2) R. C. van Caenegem, *The Birth of the English Common Law*, Cambridge University Press, 2. ed., 1988.
- 3) J. Black, *A New History of England*, The History Press, 2. ed., 2008.

### Assessment

First module: Final oral exam. Attendance of classes is strongly recommended.

Second module: Final written exam. Attendance of classes is strongly recommended.

### Office hours

Please contact Professor Yves Mausen: [yves.mausen@unifr.ch](mailto:yves.mausen@unifr.ch)

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.

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**NOTE:** Since the course is provided for a limited number of students, **Erasmus or non-Global Governance students** who would like to attend the course need to contact the Secretariat of Global Governance by e-mail [global.governance@uniroma2.it](mailto:global.governance@uniroma2.it) for registration and inform the Professor of the course. They are required to sign a code of conduct like all Global Governance students, accepting all values and rules. Please read it carefully before enrolling and notice that attendance is required from the very first lesson.