



The Hebrew University of Jerusalem

Syllabus

INTRODUCTION TO ROMAN LAW - 62501

Last update 12-08-2021

HU Credits: 2

Degree/Cycle: 2nd degree (Master)

Responsible Department: Law

Academic year: 0

Semester: 2nd Semester

Teaching Languages: Hebrew

Campus: Mt. Scopus

Course/Module Coordinator: Dr. Rachele Hassan

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Coordinator Office Hours:

Teaching Staff:

Dr. Rachele Hassan

Course/Module description:

The course will deal with the principles and institutions of Roman law and their impact on shaping the Civil Law System today. We will discuss the law of persons and family, the law of things (the rights in property and the acquisition of ownership), the law of obligations (contracts and delicts), and the law of actions, while presenting questions on decision-making, the role of women in society, the connection between social issues (e.g. bisexuality, prostitution) and the legal world. The lessons will examine these topics in light of juridical as well as literary sources, demonstrating how the interdependence of law and literature was already prevalent in ancient Rome.

Course/Module aims:

The course aims to explore the relationship between law, society and culture in ancient Rome by analyzing topics such as the rights of the father within the family, the legal status of the mad, the status of women, and the contract between the gladiator and the game organizer. In addition, the lessons will focus on analyzing the extent to which Roman legal principles and institutions have influenced the Civil law system in Continental Europe, as well as the way in which the Justinian Code impacts the new Civil Code in China today.

Learning outcomes - On successful completion of this module, students should be able to:

Understand the basic terms and institutions of the Roman legal system, and the origins of the tradition of Civil law.
Be able to explain why Roman society and its classical culture continue to matter in the 21st century.
Perceive the interconnection between social issues and legal dimension and between law and literature
Be familiar with the current introduction of Roman law in China.
Recognize the legal categories at the foundations of Comparative law, which enable the creation of the personality of a 'global jurist'.

Attendance requirements(%):

Mandatory attendance in 80% of the lessons.

Teaching arrangement and method of instruction: Lecture

Course/Module Content:

Lesson 1

Outline of the course: an introduction to Roman law; the role of law in society and ancient cultures; Roman legal science and its transmission to the modern world.

Lesson 2

Law and literature in ancient world. Knowledge of the Twelve Tables by intellectuals of Rome. Uses of juridical terms and metaphors in poetry, satire and fables.

Lesson 3

Sources of Roman law and survey of legal history of Rome. The Code of Justinian and its transmission to the Code Napoléon and to the Civil Law System.

Lesson 4

The law of persons (part I): slaves and freedmen.

Lesson 5

The law of persons (part II): Free man; the powers of the father (patria potestas); adoption (adoptio, adrogatio); guardianship (tutela, cura).

Lesson 6

The law of family: social and juridical role of women in Rome in comparison with that of women in Greece; types of marriage, divorce.

Lesson 7

Love, bisexuality and law in the ancient Rome.

Lesson 8

The law of actions: legal procedures and the role of rhetoric; roman jurists and orators.

Lesson 9

The law of things: the rights in propriety and the acquisition of ownership.

Lesson 10

Criminal law and punishment. The case of sacrilege, from the ancient world to the USA today.

Lesson 11

The law of obligations: contracts.

Lesson 12

The law of obligations: delicts (the Roman law of torts).

Lesson 13

Roman law tradition and its development in China.

Required Reading:

G. Mousourakis, Fundamentals of Roman Private Law, Berlin, 2012: pp. 1-2; 8-17; 70-79; 85-97; 101-104; 107-133; 138-148; 156-157; 183-189; 219-234; 251-265 [Or, alternatively, in Hebrew, R. Yaron Mishpat Romi, Jerusalem 1979, p. 2-22; 34-73; 143-166; 216-219; 254-277; 287-294; 298-300].

Z. Wang, The Roman Law Tradition and its Future Development in China, in Frontier Law China, 1 (2006) pp. 73-76.

Additional Reading Material:

E. Cantarella, Bisexuality in the Ancient World, Yale 1992, p. 97-110, 120-128,

142-145, 134-136.

R. Hassan, Sacrilege as an Archetypal crime: between Law and Religion in Horace's Satire 1.3, in Iura & Legal Systems 3 (2016), p. 56-60, 67-68.

A. Watson, Roman Law & Comparative Law, Georgia 1991, p. 1-8.

Course/Module evaluation:

End of year written/oral examination 100 %

Presentation 0 %

Participation in Tutorials 0 %

Project work 0 %

Assignments 0 %

Reports 0 %

Research project 0 %

Quizzes 0 %

Other 0 %

Additional information:

The bibliographic texts will be provided to the students during the course.

The reading material does not cover every single topic discussed in class: the attendance is therefore recommended.