Universidad de Alcalá
FACULTAD DE DERECHO

COURSE GUIDE
ROMAN LAW

Law Degree
University of Alcalá

Academic Year 2026/2027
First Year - First Term

Área de Derecho Romano. Facultad de Derecho. Universidad de Alcalá

COURSE GUIDE

Course Name:	**Roman Law**
Code:	**400001**
Degree Course:	**Law**
Department and Area:	**Department of Legal Sciences** **Area of Roman Law**
Type:	**Compulsory (Basic Formation)**
ECTS credits:	**6 Credits**
Year – term:	**First Year – First Term**
Course Convener:	- Juan Antonio Bueno Delgado juanantonio.bueno@uah.es - Aitor Fernández Delgado aitor.fernandez@uah.es
Tutorial classes / Office hours:	**Upon specific request by students to the teacher at class or by e-mail: aitor.fernandez@uah.es**
Language of instruction:	**English**

1. INTRODUCTION

The subject of Roman Law is included in the initial quarter of the first year of the Law Degree program. Given its fundamental formative nature, its primary objective is to provide future legal professionals with a robust foundation in juridical-technical knowledge during their initial academic year, which will be further enriched as they progress in their studies of other legal disciplines. Through the study of this particular subject, students will gain comprehensive insight into the evolution of a Legal System that subsequently formed the basis of the Common European Law. This shared foundation underpins the terminology, legal institutions, and techniques of creation, interpretation, and application of Law. Presently, these elements serve as the foundation for nearly all Western European legal systems and those derived from or inspired by them, thereby constituting a significant reference point within Western legal culture, particularly within Spanish legal tradition. Special emphasis is placed on the sources of Roman Law, its historical progression, the general principles of Law, the genesis and development of key legal institutions, especially in Private Law, and their reception across Europe.

Once fundamental knowledge has been acquired, the immediate objective is to apply it through both legal reasoning and the development of a critical mindset.

Roman Law forms the foundations of our Legal System and many contemporary legal frameworks. Therefore, it is addressed in the initial course of the Degree program, thereby assisting students in acquiring essential concepts and knowledge necessary for the accurate comprehension of subsequent subjects within the Law Degree curriculum, as well as the techniques for creating, analyzing, interpreting, and applying legal norms.

The study of Roman Law critically contributes to the intellectual development of the jurist. Its understanding constitutes a fundamental instrument for comprehending the nature of Law and its substantive historicity, thereby facilitating a comprehensive understanding of our Legal System. Furthermore, it situates the individual precisely within the historical context of legal evolution. It is also essential for understanding both the techniques of norm creation and interpretation, as well as for addressing existing gaps within the legal framework. Consequently, it represents an indispensable element of knowledge for the modern jurist in the broadest sense, and for anyone interested in understanding the European formative process and the evolution of the main issues that have shaped its current historical context. No prior knowledge beyond the mandatory qualifications for university admission is required.

2. COMPETENCES

- Generic competences:
  1. Ability to search for information, select, and evaluate legal documentation as well as general information.
  2. Reflective, critical, and autonomous learning.
  3. Capacity for critical analysis of acquired knowledge, as well as for synthesis and practical application of theoretical concepts.
  4. Understanding law as a system of regulating coexistence that incorporates an idea of justice. Commitment to the respect of Human Rights and the Principles of Democracy.
  5. Correct oral and written communication skills.
  6. Development and demonstration of digital skills.
  7. Commitment to the Sustainable Development Goals (SDGs), particularly to those related to environmental sustainability, diversity, and gender perspective.

- Specific competences:
  1. Formation of the juridical mentality.
  2. Familiarity with the technical-juridical terminology and the common legal institutions of Western countries, as well as those derived from or inspired by them.
  3. Understanding the substantial historicity of law through the study of a complete cycle regarding the historical evolution of the Legal System from which most of the modern legal systems belonging to Western Civilization, as well as those inspired by it, have originated.
  4. Management, understanding, analysis, and interpretation of Roman jurisprudential sources.
  5. Stimulate critical thinking and promote a comprehensive perspective concerning the relationship between reality and legal norms, particularly in the context of analyzing and understanding the casuistic method of Roman jurisprudence.

3. CONTENTS

3.1 Theoretical contents:

I. MODULE

*** Concept of Roman Law**
*** Historical introduction**
*** Roman conceptions of the Law**
*** Procedural (Roman) Law**
*** General Theory of Legal Business**

The content of this first module is constituted, in the first place, by the study of the historical evolution of the Roman Legal System, from its remote origins up to the age of emperor Justinian I and subsequent projections. Hereafter, the definitions, and several divisions on which are specified the Roman conceptions of the Law are observed. In the Procedural (Roman) Law, the means of obtaining the protection of rights through court are studied, as well as other extra-procedural measures. The General Theory of Legal Business deals with the modification, creation, and extinction of rights throughout the acts of individuals aimed at regulating their own interests within the limits authorized by the Legal System.

II. MODULE

*** Persons.**

*** Family.**

This module aims to address, on the one hand, the question of who is eligible to possess rights, specifically the requirements necessary to be recognized as a subject of law, as well as other aspects related to personality within Roman Law. On the other hand, it also analyzes issues pertaining to the Roman family, including marriage, parental authority, guardianship, and conservatorship.

III. MODULE

*** Property.**

*** Possession.**

*** *Iura in re aliena*.**

Patrimonial rights are divided into two large blocks. In this particular module, those that fall over things (*res* = thing) are observed.

IV. MODULE

*** Obligations**

*** Contracts.**

*** Hereditary rights.**

This module examines the other significant category into which patrimonial rights are classified: the so-called personal or obligation rights, which permit the enforcement of specific behaviors from particular individuals. Additionally, the module explores hereditary rights, focusing on the disposition of a person's rights following their death.

a. <u>Practical contents:</u>

As foundational technical and legal knowledge is acquired, practical cases will be conducted in accordance with the explanations provided during the theoretical classes. This approach aims to explore the most pertinent aspects of the subject matter, with a primary focus on property rights.

b. Schedule and time-sequencing of activities:

WEEK	SUBJECT	TYPE	HOURS
1	**Module I:** Concept of Roman Law Historical Introduction	Theory / Practice	3
2	**Module I:** Historical introduction	Theory / Practice	3
3	**Module I:** Roman Conceptions of the Law	Theory / Practice	3
4	**Module I:** Procedural (Roman) Law	Theory / Practice	3
5	**Module II:** Persons	Theory / Practice	3
6	**Module II:** Family	Theory / Practice	3
7	**Module III:** *Res* and Property (I)	Theory / Practice	3
8	**Module III:** Property (II)	Theory / Practice	3
9	**Module III: Possession**	Theory / Practice	3
10	**Module III:** *Iura in re aliena*	Theory / Practice	3
11	**Module IV:** Obligations (I)	Theory / Practice	3
12	**Module IV:** Obligations (II)	Theory / Practice	3
13	**Module IV:** Contracts (I)	Theory / Practice	3
14	**Module IV:** Contracts (II)	Theory / Practice	3
15	**Module IV:** Herediraty rights	Theory / Practice	3

IV. TEACHING-LEARNING METHODOLOGIES, FORMATIVE ACTIVITIES

Distribution of the teaching and the student's own work:

Number of hours (total): 150	
Classroom: 60	• Theoretical-practical sessions (hours): 45. • Guided work (hours) and assistance to tutorials, seminaries, and other activities: 15.
Autonomous learning: 90	• These hours will be dedicated to the preparation of both theoretical and practical classes, as well as to the study and review of the knowledge acquired in the classroom, and to the preparation of the exams.

Methodology

During the theoretical classes, the most relevant parts of each module that make up the subject's content will be explained, particularly those that pose greater difficulty. It is commendable for students to read the topics to be covered in each theoretical class in advance. To this end, students should have a proficient knowledge of the English language.

Throughout the course, once the minimum theoretical knowledge has been acquired, practical cases will be conducted that address some of the studied content in accordance with the planned sequence. All cases are derived from the extensive Roman legal casuistry, with the aim of establishing concepts and fostering an active learning attitude among students. Additionally, this approach seeks to promote the development of their logical reasoning, legal argumentation, and other related skills.

To achieve the same objective, if feasible, additional activities such as colloquiums, debates, conferences, text analyses, external visits, and similar engagements would also be conducted during the course. Seminars will also be held on specific subjects or program content.

To foster a closer rapprochement between the teachers and the students, tutorials will also be organized, providing teachers with the opportunity to monitor students' learning processes individually, offer guidance, and guide the development of their work and studies in a more personalized manner.

V. EVALUATION

a. Evaluation criteria:

1. The capacity to establish relationships and connections among the diverse contents within the program will be considered. Additionally, the ability to apply acquired knowledge effectively during practical sessions, alongside skills in synthesis, legal expression, and, notably, both critical and argumentative reasoning, will be evaluated to address juridical issues.
2. The assistance to both theoretical and practical classes will be considered, as well as to the tutorials, seminars, conferences, and other complementary activities that might be scheduled, paying special attention to both the participation and, especially, the interventions of the students and their degree of involvement with the subject, as a sign of interest in delving into the origins of the rights and democratic principles that we enjoy nowadays.
3. The ability to search for information, select, and evaluate both general and legal documentation will also be highly valued. Additionally, skills in managing, understanding, analyzing, and interpreting Roman jurisprudential sources will be recognized. A comprehensive approach towards the relationship between reality and legal norms, through the management and understanding of the casuistic method of Roman jurisprudence, will also be appreciated.
4. The development of parallels, similarities, and the evolutionary progression of the institutions examined from their inception to contemporary legal systems will also be considered. Additionally, the mastery of technical-juridical terminology, comprehension of legal concepts and principles, and their transfer to common legal institutions of Western countries and those inspired by them will be addressed.
5. Consideration will be given to the correct oral and written expression. It is hereby reminded that examination papers and exercises completed by students must be meticulously written in a formal manner, which entails the absence of spelling errors, proper use of punctuation, and the formulation of correct syntax.
6. Papers and presentations demonstrating a commitment to the Sustainable Development Goals (SDGs), particularly those pertaining to environmental sustainability, diversity, and gender perspectives, will receive favorable evaluation.
7. Papers and oral presentations that demonstrate a mastery of digital tools and resources will be positively assessed.

b. Evaluation procedure:

Throughout each academic year, students shall have the right to attend two examination sittings: one ordinary and, if deemed necessary, one extraordinary. The ordinary examination will be predicated on continuous assessment, except in cases where students have been granted the right to undertake a final evaluation, in accordance with the Regulations for Learning Evaluation Processes, authorized by the Governing Council of the University of Alcalá on March 24, 2011.

For a student to be eligible for the final evaluation, he or she must submit a written request to the Dean of the Faculty within the first two weeks of the course, explaining the reasons that prevent attendance at the continuous assessment process.

A. Continuous evaluation

Students are required to attend both theoretical and practical classes and to participate in all scheduled activities. Failure to attend at least 75% of these classes will result in the student being ineligible to complete either the oral presentation or the written test.

Throughout the course, there will be two principal modes of evaluation. The initial one will involve an oral presentation of an individual research work, whose subject will be selected by the students during the first weeks of the course from the subject's curriculum, under the supervision of the teacher. At most, it will constitute 40% of the final qualification. The second will consist of a written theoretical-practical test, encompassing 10 brief theoretical questions and 5 more related to a practical case study. Each correct answer of the formers will constitute, at the highest, 20% of the final qualification (up to 0,2 each), and of the latters, at the highest, 20% of the final qualification (up to 0,4 each). Accordingly, it will constitute 40% of the final qualification.

The sum of the two evaluations constitutes, at the highest, 80% of the final qualification. Assistance to classes (as mentioned above, mandatory at least up to 75%), as well as interventions and active participation of the students during them, especially in the practical ones, and in other eventual complementary activities (such as debates, commentaries, conferences, presentations, etc.), will entail the remaining 20%.

Both sections will consider, in addition to the practical application of acquired legal knowledge, problem-solving capabilities, management of sources, the pursuit of legal realities, and critical analysis.

B. Final theoretical-practical test

Those students who don't follow the continuous evaluation system will have to attend a FINAL TEST that will consist of both theoretical and practical content, in which they will have to demonstrate that they have acquired both the generic and specificcompetencies demanded by the teaching guide of the present subject.

In that test, students will be required to answer 15 theoretical questions and 5 additional questions pertaining to a practical case study, also included in the examination. Each accurate response will be awarded 0.5 points, totaling 10 points. To successfully pass the course, students must achieve a minimum score of 5.

Those students who follow the continuous evaluation system cannot participate in the FINAL TEST. Accordingly, those students who have already taken one of the two tests predicted in the continuous evaluation cannot participate in the FINAL TEST.

C. Extraordinary examination sitting

Those students who had not passed the subject during the ordinary examination sitting, neither by the continuous evaluation system nor by the final theoretical-practical test, will have the opportunity to take an extraordinary THEORETICAL-PRACTICAL TEST, with similar evaluation features to the test included in the B paragraph.

The qualification system will be the one predicted by the current legislation, regulated by the R.D. 1125/2003, according to the following numerical pattern:

0,0 - 4,9 NOT PASSED -D- (SS)
5,0 - 6,9 PASSED -C- (AP)
7,0 - 8,9 OUTSTANDING -B- (NT)
9,0 - 10 EXCELLENT -A- (SB)
9,0 – 10 WITH HONOURS - DISTINCTION (limited or 5%)

During the development of the evaluation tests, the guidelines set out in the Regulation establishing the Rules of Coexistence of the University of Alcalá must be followed, as well as the possible implications of irregularities committed during these tests, including the consequences for committing academic fraud according to the Disciplinary Regulations of the Student Body of the University of Alcalá.

The teaching-learning methodology and the assessment process will be adapted as needed, in accordance with the guidelines of the Diversity Support Unit, to implement curricular adaptations for students with specific needs.

6. BIBLIOGRAPHY

I MODULE

Concept of Roman Law. Historical introduction. Roman conceptions of the Law. Procedural (Roman) Law.

RECOMMENDED BIBLIOGRAPHY

- **General character**

- DOMINGO, R. (Dir.) *et alii*, *Textos de Derecho romano*. Pamplona, 2002.
- DOMINGO, R., *Roman Law: An Introduction*. Nueva York, 2018.
- FERNÁNDEZ DE BUJÁN, A., *Derecho Privado Romano*. 11ª ed., Madrid, 2022.
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- **History. Conceptions**

- ÁLVAREZ SUÁREZ, U., *Instituciones de Derecho romano I (Introducción histórica, conceptos fundamentales, hechos y negocios jurídicos)*. Madrid, 1973.
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- **Procedural Law**

- ÁLVAREZ SUÁREZ, U., *Instituciones de Derecho romano, II. Derecho procesal civil*. Madrid, 1975.
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- STEIN, P., *Roman Law in European History*. Oxford, 1999.

- **History. Conceptions.**

- ÁLVAREZ SUÁREZ, U., *Curso de Derecho Romano. Tomo I. Introducción.*

Cuestiones preliminares. Derecho procesal civil romano. Madrid, 1955.

- ARANGIO-RUIZ, V., *Storia del diritto romano*. Nápoles, 1980.
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- ÁLVAREZ SUÁREZ, U., *Curso de Derecho Romano. Tomo I. Introducción. Cuestiones preliminares. Derecho procesal civil romano*. Madrid, 1955.
- MURGA, J. L., *Derecho romano clásico II. El proceso*. Zaragoza, 1983.

II MODULE

Persons and family

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- **General character**

- DOMINGO, R. (Dir.) *et alii*, *Textos de Derecho romano*. Pamplona, 2002.
- DOMINGO, R., *Roman Law: An Introduction*. Nueva York, 2018.
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- **Persons**

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- **Family**

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- **Liberty and slavery**

- BUCKLAND, W.W., *The Roman Law of Slavery*. New Jersey, 2000.
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- **Citizenship**

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- **Family**

- BONFANTE, P., *Corso di diritto romano. I: Diritto di famiglia*. Roma, 1925.
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III MODULE

Property. Possession. *Iura in re aliena*

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IV MODULE

Obligations and contracts. Hereditary rights

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