

**1. General information****Course:** ARBITRATION IN ROMAN LAW**Type:** ELECTIVE**Degree:** 334 - UNDERGRADUATE DEGREE PROGRAMME IN LAW**Center:** 3 - FACULTY OF LAW OF ALBACETE**Year:** 4**Main language:** Spanish**Use of additional languages:****Web site:****Code:** 35361**ECTS credits:** 4.5**Academic year:** 2022-23**Group(s):** 10**Duration:** C2**Second language:****English Friendly:** Y**Bilingual:** N**Lecturer:** JOSE ANTONIO MARTINEZ VELA - Group(s): 10

Building/Office	Department	Phone number	Email	Office hours
Melchor de Macanaz - Despacho 3.01	CIENCIA JURÍDICA Y DERECHO PÚBLICO	2153	joseantonio.martinez@uclm.es	

**2. Pre-Requisites**

It is advisable to have taken the subjects "Roman Law" and "Procedural Law I" before.

**3. Justification in the curriculum, relation to other subjects and to the profession**

The last decades have shown an increasingly complicated panorama in the solution of legal conflicts. An increasingly technological society, where social values prevail over individual values, where technology has made citizens' behavior evolve and where administrative regulation is increasing, must necessarily lead to an increase in litigation. All these elements, among others, complicate, when they do not preclude, a solution of legal conflicts that can be reached in a rational way, both in terms of time and cost. In the desire to seek a quick, effective, discreet and non-traumatic solution to legal conflicts outside the jurisdictional bodies or within them, is the movement of the "Alternative Dispute Resolution" (ADR).

There is no doubt that arbitration, mediation or conciliation have been consolidated in almost all Western countries, as alternative ways and almost contrary to the judicial option, in order to offer citizens new perspectives for resolving their conflicts. However, the existence of conflict resolution systems between individuals without having to resort to state intervention is not something new in history. The ancient world knew perfectly these extrajudicial forms of conflict resolution: recourse to arbitration was very frequent as a formula to resolve controversies in the Greek world. In ancient Rome, recourse to this institution was also very common, both in the public and private spheres. That is why the study and analysis of the evolution of these extrajudicial conflict resolution institutions in the ancient world can greatly help the student to better know and understand the current system.

**4. Degree competences achieved in this course****Course competences**

Code	Description
E08	Work on dialogue, debate, argumentation and the proposal of reasonable solutions in different contexts.
E10	Aptitude for negotiation, conciliation, mediation and conflict resolution from a legal perspective.
E12	Analyze the Law and its main public and private legal institutions from their genesis to their current reality.
E14	Acquire the capacity to provide legal advice to public, private and private entities.
G04	Incorporate the sense and ethical principles in their professional activity
G08	Develop skills in interpersonal relationships, teamwork and leadership skills in work groups.
G09	Develop critical and self-critical thinking.
G14	Ability to apply knowledge to practice.

**5. Objectives or Learning Outcomes****Course learning outcomes****Description**

To encourage critical awareness in the analysis of the legal system.

An understanding of the structure, functioning and competence of the administrative institutions that created and shaped Spanish Law in its different historical periods.

To critically analyse both historical and current normative texts and to interpret and apply legal sources.

To develop the ability to work as part of a team.

The ability to describe and resolve conflicts in the Roman legal world and the ability to deal with the problems of mediation between the parties in today's society, trying to avoid the judicialisation of the conflict.

**6. Units / Contents****Unit 1: Out-of-court dispute resolution: general issues****Unit 2: Arbitrations in the field of Roman Public Law****Unit 3: Introduction to Roman Civil Procedural Law. The so-called "legal arbitrations"**

Unit 4: The "arbitrium boni viri"

Unit 5: Arbitration in Roman Law

Unit 6: The "Episcopalis Audientia" and other ways for extrajudicial conflict resolution in Roman law

Unit 7: The Reception of Arbitration in Spanish Historical Law

7. Activities, Units/Modules and Methodology							
Training Activity	Methodology	Related Competences (only degrees before RD 822/2021)	ECTS	Hours	As	Com	Description
Class Attendance (theory) [ON-SITE]	Lectures		0.82	20.5	Y	N	Theoretical presentation by the professor of the most relevant aspects of the subject
Class Attendance (practical) [ON-SITE]	Case Studies		0.21	5.25	Y	N	
Project or Topic Presentations [ON-SITE]	Combination of methods		0.24	6	Y	N	Presentation and discussion in class of a directed work on one of the parts of the syllabus.
Progress test [ON-SITE]	Assessment tests		0.08	2	Y	N	
Writing of reports or projects [OFF-SITE]	Group Work		0.84	21	Y	N	Estimated time necessary to write the work directed by the Professor in relation to a specific aspect of the syllabus
Analysis of articles and reviews [OFF-SITE]	Guided or supervised work		0.84	21	Y	N	Estimated time necessary to read the basic bibliography to prepare the directed work to be carried out by the student throughout the semester
Study and Exam Preparation [OFF-SITE]	Self-study		1.47	36.75	Y	N	Estimated time necessary to assimilate the essential theoretical aspects of the subject
<b>Total:</b>			<b>4.5</b>	<b>112.5</b>			
<b>Total credits of in-class work: 1.35</b>			<b>Total class time hours: 33.75</b>				
<b>Total credits of out of class work: 3.15</b>			<b>Total hours of out of class work: 78.75</b>				

As: Assessable training activity

Com: Training activity of compulsory overcoming (It will be essential to overcome both continuous and non-continuous assessment).

8. Evaluation criteria and Grading System			
Evaluation System	Continuous assessment	Non-continuous evaluation*	Description
Theoretical papers assessment	30.00%	40.00%	Students must carry out and orally present a theoretical work on any of the items on the syllabus, always under the direction of the professor responsible for the subject. Those students who do not attend class regularly and therefore cannot present the aforementioned work, must nevertheless carry out said written work that will be delivered to the professor, and, in addition, they must comment on a textbook that will be provided by the Professor responsible for the subject.
Progress Tests	50.00%	60.00%	Throughout the semester there will be two progress tests in relation to the different topics that make up the syllabus. Those students who do not pass both, or who do not take them, may make up the same on the day set in the academic calendar for the final exam of the subject, by answering 4 specific theoretical questions.
Assessment of active participation	20.00%	0.00%	Active and enriching participation in the theoretical and practical sessions of the subject will be taken into consideration.
<b>Total:</b>	<b>100.00%</b>	<b>100.00%</b>	

According to art. 4 of the UCLM Student Evaluation Regulations, it must be provided to students who cannot regularly attend face-to-face training activities the passing of the subject, having the right (art. 12.2) to be globally graded, in 2 annual calls per subject, an ordinary and an extraordinary one (evaluating 100% of the competences).

#### Specifications for the resit/retake exam:

All those assessable activities carried out and passed throughout the semester are kept for the resit/retake exam.

9. Assignments, course calendar and important dates	
Not related to the syllabus/contents	
Hours	hours
<b>General comments about the planning:</b> Through MOODLE, once the course has started and the number of students enrolled in the subject is known, will be published the classes in which the two progress tests will take place and those in which the students will proceed to expose their works.	
<b>Unit 1 (de 7): Out-of-court dispute resolution: general issues</b>	
<b>Teaching period:</b> 3 weeks	
<b>Unit 2 (de 7): Arbitrations in the field of Roman Public Law</b>	
<b>Teaching period:</b> 2 weeks	

<b>Unit 3 (de 7): Introduction to Roman Civil Procedural Law. The so-called "legal arbitrations"</b>
<b>Teaching period:</b> 2 weeks
<b>Unit 4 (de 7): The "arbitrium boni viri"</b>
<b>Teaching period:</b> 1 week
<b>Unit 5 (de 7): Arbitration in Roman Law</b>
<b>Teaching period:</b> 3 weeks
<b>Unit 6 (de 7): The "Episcopalis Audientia" and other ways for extrajudicial conflict resolution in Roman law</b>
<b>Teaching period:</b> 2 weeks
<b>Unit 7 (de 7): The Reception of Arbitration in Spanish Historical Law</b>
<b>Teaching period:</b> 2 weeks

10. Bibliography and Sources						
Author(s)	Title/Link	Publishing house	City	ISBN	Year	Description
Cohen, Boaz	Arbitration in Jewish and Roman Law				1958	
Cuena Boy, Francisco	La "episcopalis audientia"	Universidad de Valladolid. Secretariado de Publ		84-86192-53-6	1985	
De Ruggiero, Ettore.	L'arbitrato pubblico in relazione col privato presso i romani				1971	
Declareuil, J.	Du compromis en droit romain et en droit français <a href="http://gallica.bnf.fr/ark:/12148/bpt6k84042h.r=.langES">http://gallica.bnf.fr/ark:/12148/bpt6k84042h.r=.langES</a>				1887	
Dereck Röbuck - Bruno de Loynes	Roman Arbitration	Holo Books	Oxford	0953773035	2004	
Fernández de Buján, Antonio (1953-)	Derecho Público Romano : recepción, jurisdicción y arbitraje	Aranzadi		978-84-470-3248-8	2009	
Fernández de Buján, Antonio (1953-)	Derecho privado romano	Iustel		978-84-9890-202-0	2012	
Harries, Jill.	Dispute Settlements				1999	
Raeder, A.	L'ARbitrage chez les Hellènes				1912	
Vismara, Giulio	La Giurisdizione Civile dei Vescovi				1995	
Cimma, Maria Rosa	L'episcopalis audientia nelle costituzioni imperiali da Costantino a Giustiniano				1989	