

**1. General information****Course:** EXTRA-CONTRACTUAL RESPONSIBILITY 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:** 35369**ECTS credits:** 4.5**Academic year:** 2023-24**Group(s):** 10**Duration:** First semester**Second language:****English Friendly:** Y**Bilingual:** N**Lecturer:** JOSE ANTONIO MARTINEZ VELA - Group(s): 10

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2. Pre-Requisites

It is advisable to have previously taken the subjects "Roman Law", "Civil Law II" and "Civil Law III".

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

At present, one of the issues that raises the most litigation in the courts is the one referring to the so-called "tort liability". Apparently, the requirement of a possible liability to a person that does not have its origin in a previous contractual relationship, may seem something really new and the creation of the most recent legislation and jurisprudence; However, this is an institution - like so many others in Private Law - whose roots are found in Roman Law. Moreover, the very terminology that civilists and jurisprudence use today to refer to it - the well-known expression "Aquilian responsibility" - refers precisely to a law of the Roman Republic, where these assumptions were already considered.

The purpose of this course is to provide students with a historical vision of the different assumptions that can be included within the current tort liability, since the vast majority of them - even those that may seem more current, such as the responsibility of animal owners - were already proposed more than two thousand years ago, and the solutions that were proposed then can still be useful and provide future jurists with a complete vision of this institution.

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

Code	Description
E01	To become aware of the importance of law as a regulator of social relations.
E02	To understand the systematic nature of the legal system and the interdisciplinary nature of legal problems.
E05	Ability to read, interpret, analyse and write legal documents from an interdisciplinary perspective.
E12	Analyze the Law and its main public and private legal institutions from their genesis to their current reality.
G08	Develop skills in interpersonal relationships, teamwork and leadership skills in work groups.
G10	Develop the capacity for analysis and synthesis and promote autonomous learning.
G15	Ability to locate, select, process and manage information.

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

To acquire a basic understanding of the origin and development of the liability concept in the legal world.

Additional outcomes**6. Units / Contents****Unit 1: Tort Liability: Basic Notions****Unit 2: The Law of Obligations in Roman Law and first examples of tort liability****Unit 3: The Civil Delict of Iniuria****Unit 4: The "Lex Aquilia de Iniuria": the delict of "Damnum Iniuria Datum"****Unit 5: The "Quasi-Delicts" (I): Actio si iudex item suam fecerit & Actio adversus nautas, caupones et stabularius****Unit 6: The "Quasi Delicts" (II): Actio de effusis vel deiectionis & Actio de Positis****Unit 7: The responsibility derived from the possession of animals****Unit 8: The Reception of Tort-Liability in historical Spanish law.****ADDITIONAL COMMENTS, REMARKS**

Before the beginning of the semester, a teaching booklet will be published through MOODLE in which this syllabus will be developed

7. Activities, Units/Modules and Methodology							
Training Activity	Methodology	Related Competences (only degrees before RD 822/2021)	ECTS	Hours	As	Com	Description
Class Attendance (practical) [ON-SITE]	Lectures		0.82	20.5	N	-	Theoretical presentation by the professor of the most relevant aspects of the subject
Problem solving and/or case studies [ON-SITE]	Case Studies		0.45	11.25	Y	N	Throughout the semester, the Professor will propose several practical cases or texts to comment or discuss by the students in class.
Progress test [ON-SITE]	Assessment tests		0.08	2	Y	N	
Writing of reports or projects [OFF-SITE]	Combination of methods		1.4	35	Y	N	The student must proceed at home to find and read bibliography and jurisprudence in order to prepare the resolution of the different practical cases and the comments of the texts proposed by the Professor.
Study and Exam Preparation [OFF-SITE]	Self-study		1.75	43.75	N	-	Estimated time necessary to assimilate the basic theoretical aspects of the subject
Total:			4.5	112.5			
Total credits of in-class work: 1.35			Total class time hours: 33.75				
Total credits of out of class work: 3.15			Total hours of out of class work: 78.75				

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
Progress Tests	60.00%	60.00%	Throughout the semester, two progress tests will be carried out for students who choose the continuous assessment system. Those students who do not opt for the continuous assessment system, as well as those who do not pass both progress tests, must take a final exam on the date set in the academic calendar, which will consist of 4 theoretical questions.
Assessment of problem solving and/or case studies	30.00%	40.00%	Students who opt for continuous assessment must participate actively and profitably in the different practical classes that will take place during the semester. Those students who do not opt for continuous assessment, must carry out a work directed by the Professor.
Assessment of active participation	10.00%	0.00%	The intervention in class carried out in a continuous and satisfactory way to the different questions that may be raised throughout the semester in the different classes will be valued
Total:	100.00%	100.00%	

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).

9. Assignments, course calendar and important dates	
Not related to the syllabus/contents	
Hours	hours
General comments about the planning: Any eventual change in the course planning due to supervening causes will be notified through MOODLE, as well as the dates of the two progress tests, which -in any case- will be published throughout the first two weeks of the semester.	
Unit 1 (de 8): Tort Liability: Basic Notions	
Teaching period: 2 weeks	
Unit 2 (de 8): The Law of Obligations in Roman Law and first examples of tort liability	
Teaching period: 2 weeks	
Unit 3 (de 8): The Civil Delict of Iniuria	
Teaching period: 2 weeks	
Unit 4 (de 8): The "Lex Aquilia de Iniuria": the delict of "Damnum Iniuria Datum"	
Teaching period: 2 weeks	
Unit 5 (de 8): The "Quasi-Delicts" (I): Actio si iudex litem suam fecerit & Actio adversus nautas, caupones et stabularius	
Teaching period: 2 weeks	
Unit 6 (de 8): The "Quasi Delicts" (II): Actio de effusis vel deiectis & Actio de Positis	
Teaching period: 2 weeks	
Unit 7 (de 8): The responsibility derived from the possession of animals	
Teaching period: 2 weeks	

10. Bibliography and Sources

Author(s)	Title/Link	Publishing house	Citv	ISBN	Year	Description
Solé Feliu, Josep	La responsabilidad extracontractual del principal por hechos	Reus		978-84-290-1696-3	2012	
Yáñez Vivero, Fátima	Culpa civil y daño extracontractual originado por persona in	Aranzadi		978-84-9903-195-8	2009	
Ziliotto, Paola	L'imputazione del danno aquiliano : Tra "iniuria" e "damnum"	CEDAM		88-13-22684-5	2000	
	Responsabilidad extracontractual	Thomson Reuters-Civitas		978-84-470-3398-0	2010	
AA.VV.	Forme di responsabilità in epoca decemvirale				2008	
Branca, G.	Struttura costante della responsabilità extracontrattuale attraverso i secoli.				1971	
Cannata, Carlo Augusto	Sul problema della responsabilità nel diritto privato romano	Libreria Editrice Torre		88-7132-017-4	1996	
Cursi, Maria Floriana	Danno e responsabilità extracontrattuale nella storia del di	Jovene		978-88-243-1979-9	2010	
De Robertis, Francesco M.	La responsabilità extra-contrattuale nel diritto romano, con	Cacucci Editore		88-8422-152-8	2002	
Fercia, Riccardo	La responsabilità per fatto di ausiliari nel diritto romano	CEDAM		978-88-13-28118-2	2008	
Giménez-Candela, Teresa	Los llamados Cuasidelitos	Trivium		78559795	1990	
López Jacoiste, José Javier	La responsabilidad civil extracontractual : una exploración	Centro de Estudios Ramón Areces		978-84-8004-977-1	2010	
Palao Moreno, Guillermo	Responsabilidad civil extracontractual en el derecho europeo	Tirant lo blanch		978-84-9876-231-0	2008	
Paricio, Javier (Paricio Serrano)	Los cuasidelitos : observaciones sobre su fundamento históri	Civitas		84-7398-540-0	1987	
Schipani, Sandro	Contributi romanistici al sistema della responsabilità extra	G. Giappichelli		978-88-348-8684-7	2009	