

Program: Master Academic Studies –			
Course title: LEX AQUILIA IN THE EUROPEAN LEGAL HISTORY			
Teachers: Prof. dr Milena Polojac			
Course status: optional			
Number of ECTS: 10			
Requirements:			
Aims of the course:			
The basic knowledge about one of the most important Roman statutes. Introduction to the method of the Roman iurists and their reach casuistry. Further developments of Roman law in the Middle Ages and modern times.			
Course result:			
The candidate will be able to understand long historical development of the one of most important institutes of private law: the compensation for loss. With understanding the role of the sources, the candidate will be able to undertake his original research independently.			
Course content:			
First part of the course entails enigmatic questions of the origin, scope, content, composition and the text of the lex Aquilia. The words used in the statutory definition – quadrupedes pecudes, erus, iniuria, damnum., urere, frangere, rumpere etc. were interpreted by the Roman iurists: Brutus, Scaevola, Proculus, Neratius, Pomponius, Gaius, Julian, Celsus, Labeo, Mela, Vivian, Alfenus, Javolenus, Papinian, Paulus, Ulpian. The subject of the second part of the course is the way of the interpretation which resulted in the development of the delict <i>damnum iniuria datum</i> . This part of the course is based on the extremely reach and interesting casuistry preserved in the sources. In the third part of the course we follow further development of the delict in the Middle Ages and modern times towards the final generalisation of the civil delict. and the contribution given by the glossators, Hugo Donellus, Leonardus Lessius, Hugo Grotius, Samuel Stryk, Samuel Pufendorf, Christian Thomasius.			
Literature:			
R. Zimmermann, The Law of Obligations, Roman Foundations of the Civilian Tradition, Oxford, 1996, 1241; A. Watson, The Law of Obligations in the Later Roman Republic, Oxford, 1965, 295; D. Daube, On the Third Chapter of the lex Aquilia, Law Quarterly Review, 52, 1936, 253-268 = Collected Studies in Roman Law, Frankfurt am Main, 1991, 3-18; H. Hausmaninger, <i>Das Schadenersatzrecht der lex Aquilia</i> , Wien, 1990. U. von Lübtow, Untersuchungen zur lex Aquilia de damno iniuria dato, Berlin, 1971. G. MacCormack, Aquilian „Culpa“, <i>Daube Noster</i> , 1974, 201-224. B.W. Frier, A Casebook on the Roman Law of Delict, Atlanta, 1989, Boudewijn Sirks, The delictual origin, penal nature and reipersecutory object of the <i>actioj damni iniuriae legis Aquiliae</i> , The Legal History Review, LXXVII 2009, 303-353; M. Kaser, Das römische Privatrecht, I, (Vierter Abschnitt. Obligationenrecht, 474-667) München, 1971; M. Polojac, Akvilijev zakon i pravna kultura, Beograd 2015; A. Malenica, Rimsko pravo, Novi Sad, 2007; M. Milošević, Rimsko pravo, Beograd, 2008; O. Stanojević, Rimsko pravo, Beograd, 2002; D. Stojčević, Rimsko obligaciono pravo, knjiga II, sveska 2, Beograd, 1954; M. Polojac, Lex Aquilia u interpretaciji klasične jurisprudencije, <i>Pravni kapacitet Srbije za evropske integracije</i> , Zbornik radova, knjiga IV (priredio prof. Stevan Lilić), Beograd, 2009, 94-107; С. Аличий, Класично значење речи damnum (штета) у поглављу Дигеста ad legem Aquiliam (9.2), докторска дисертација, Београд, 2010; M. Polojac, Praktikum za rimsko pravo, Beograd, 2011.			
Number of lectures – active classes	Theoretical classes: 15	Practical classes :	
Instruction method: lectures and consultations			
Grading system (maximum number of points 100)			
Pre-exam obligations	points	Final Exam	points
Activities during lectures	30		60
Activities during practical classes			
Tests			
Seminar classes	10		