



UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Storia del Diritto Medievale e Moderno - A-L

1718-1-A5810228-AL

Learning objectives

The course aims to guide students through the history of law, from the medieval period to the Contemporary Age, in order to better understand the Present and its future developments. Students will be provided with knowledge of legal terms and categories both logical and conceptual. This course is also designed to help students understand the historical evolution of legal system, gain a critical awareness towards the law, study the past to acquire a broader understanding of the modern legal concepts, learn to know the main European schools of thoughts, adopt a comparative approach to study law.

Contents

This course provides a general overview of the history of the legal systems in order to discover their roots as well as to underline the effects of the social, economic, political, religious changes happened in the centuries and pick out how it has changed the way the law is interpreted, enforced, and taught. We will start our survey from the Middle Age, from the birth of the modern legal science and of the first universities with their academic authorities. Above all, we will analyse how the *Ius Commune* succeeded in underpinning the legal systems of the European States. The course is intended to give students an insight into the links between legal science, law, jurisprudence from the Middle Age up to the 20th century in order to pick out the reasons for case law abandonment and the coming of the new age of Law Codification. This course aims also to provide students with the basics to understand the most important events in the European legal history and how to evaluate some keynotes like the power exercise, the law sources, the interpretation of a legal text, the legal practice. The course will be divided into many parts corresponding to Middle Age, Modern Age and Contemporary Age, and we will learn how to use the history of authorities, rights, legal schools and justice to catch the drift of the link between politics, law, jurisprudence. At the end of the course students will be able to evaluate the historical aspect of the legal phenomena, and they will realize that many legal rules come to us from the past and are not unchanging.

Detailed program

Ancient roots. Church and Empire. The early Middle Ages: Roman law, Canon law, Germanic laws, customary law. Medieval *Ius Commune*. Civil and canon law: property, contracts, family, succession. Early English Common Law. Transformations of the Modern Ages. The central courts. Elements of Criminal procedure. Natural law. Enlightenment. Civil Codes. Criminal Codes. Constitutions. Interpretation of law (XIX-XX centuries).

Prerequisites

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Teaching methods

Traditional and interactive lessons; analysis of historical sources and documents; slide show

Assessment methods

Attending students:

Oral examination

Not attending students:

Written and oral examination.

Textbooks and Reading Materials

Attending students:

E-LEARNING PAGE HISTORY OF MEDIEVAL AND MODERN LAW (2018)

Lectures notes will be uploaded on the e-learning page of the course. Additional information will be also provided during class meetings and on the same platform.

Not attending students:

A. PADOA SCHIOPPA, *Storia del diritto in Europa. Dal medioevo all'età contemporanea*, Il Mulino, Bologna 2016: capitoli 1-18, 20-23, 25-29, 31, 32 (§§ 1-3), 33 (§ 1), 34, 37 (§§ 1-3), 38.
