UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

# COURSE SYLLABUS

# History of Medieval and Modern Law - A-L

**2122-1-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 tought. 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

Attending students can arrange, during the course, various teaching aids on the e-learning platform of the course. These subsidies include: a) self-evaluation tests, weekly and monthly; b) audio recordings of the lessons, which allow the student to stay on par with the lessons.

In May, attending students are required to take a partial written test (exemption) on the first part of the course, consisting of open-ended questions on the program carried out in class.

Non-attending students

Non-attending students must take a written test consisting of open-ended questions related to the contents of the textbook. The positive result of the written test allows the oral examination to take place. The written test will take place on the same day indicated for the oral exam. Students must register for the exam through the online Secretariat terminals.

## Textbooks and Reading Materials

Attending students:
E-LEARNING PAGE HISTORY OF MEDIEVAL AND MODERN LAW (2122)
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.

CREDIT INTEGRATION

Please note that it is necessary to go to the examination with the booklet or other document such as the resolution attesting to the transfer, showing the vote taken in Elements of History of Medieval and Modern Law (6 CFU).

Students enrolled in the degree course in the Science of legal services who have requested the passage to the master's degree course in Law and have already passed the exam in History of Medieval and Modern Law (6 CFU) will have to take the exam of History of medieval and modern law (9 CFU) with the following exam program:

ANTONIO PADOA SCHIOPPA, History of law in Europe. From the Middle Ages to the Contemporary Age, Il Mulino, Bologna 2007 - First Edition. pp. 391-447 (Part Four, Chapters 27-28-29) pp. 456-472 (Part Four, Chapter 31) pp. 475-488 (Part Five, Chapter 32, paragraphs 1-2-3) pp. 517-549 (Part Five, Chapter 34) pp. 593-609 (Part Six, Chapter 37, paragraphs 1-2-3) pp. 621-641 (Sixth Part, Chapter 38) Total pages: 153.

We inform students that have purchased the second edition of the manual that the chapters and paragraphs to be studied are the same, while the numbering of the pages has changed as follows: ANTONIO PADOA SCHIOPPA, History of Law in Europe. From the Middle Ages to the Contemporary Age, Il Mulino, Bologna 2016 - Second Edition. pp. 411-469 (Part Four, Chapters 27-28-29) pp. 478-494 (Part Four, Chapter 31) pp. 495-511 (Part Five, Chapter 32, paragraphs 1-2-3) pp. 542-577 (Part Five, Chapter 34) pp. 621-638 (Part Six, Chapter 37, paragraphs 1-2-3) pp. 651-672 (Part Six, Chapter 38).

Students transferred from other Universities that need to acquire 1, 2 or 3 additional credits (depending on the case) of History of Medieval and Modern Law (9 CFU) will have to take the exam on the following text:

1 CFU

ANTONIO PADOA SCHIOPPA, Italy and Europe in the history of law, Il Mulino, Bologna 2003: - V (The new science of law) - IX (Jurists and forensic class) - XIV (From the Napoleon Code to the Civil Code)

2 CFU

ANTONIO PADOA SCHIOPPA, Italy and Europe in the history of law, Il Mulino, Bologna 2003: - V (The new science of law) - IX (Jurists and forensic class) - XI (The absolute States) - XII (Institutions, orders and classes ) - XIV (From the Napoleon Code to the Civil Code)

3 CFU

ANTONIO PADOA SCHIOPPA, Italy and Europe in the history of law, Il Mulino, Bologna 2003: - V (The new science of law) - IX (Jurists and forensic class) - XI (The absolute States) - XII (Institutions, orders and classes ) - XIII (Three reforms of the Enlightenment) - XIV (From the Napoleon Code to the Civil Code) - XV (Italian commercial law)