UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

History of Criminal Procedure

2425-4-A5810136

Learning objectives

Kwoledge and Understanding
Looking at the main stages of the history of criminal law in its centuries-long evolution, the course provides students with knowledge of legal language and fundamental logical-conceptual categories, which are useful for achieving an adequate understanding of the legal dimension in its temporal development.

Applying Kwoledge and Understanding
Students will be able to grasp the main legal issues about criminal law from a historical and comparative perspective.

Making Judgements
The course aims to provide students with a critical awareness useful for understanding the origins of legal institutions and the evolution of the main European movements of thought concerning the criminal law.

Communication Skills
Students will acquire an adequate knowledge of historical-legal terminology and the ability to communicate the learned knowledge.

Learning Skills
At the end of the course, the student will be able to complete the acquired knowledge with subsequent in-depth studies of historical and legal issues.

Contents

The course will provide an overview of the historical evolution of the criminal law and procedures focusing on some particularly significant topics such as the political character of criminal procedure, the principles ruling the kind of trials, the rights of the accused, the proof system, the powers of the judge, the role of legislation, law scholars and

jurisprudence in the creation of criminal procedure. These topics are going to be examined in some relevant historical moments connoting the changes of societies during times, from the Middle Ages to the Modern and Contemporary era.

Detailed program

Forms of justice in the early Middle Ages. Criminal justice in medieval communes: the accusatory and inquisitorial rite. The criminal trial in Europe in the modern age. Enlightenment and criminal trial. The codification of criminal procedural law in France and Austria between the 18th and 19th centuries. The Italian experience: from Unification to fascist legislation.

Prerequisites

None

Teaching methods

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

Assessment methods

Oral exam.
The questions asked during the oral interview will be aimed at verifying the students' comprehensive knowledge of the topics covered in the exam program, as well as their ability to conduct an autonomous reflection in the historical-legal field, highlighting connections and interconnections between the different topics covered.
The evaluation criteria for the acquired skills are based on the ability to autonomously reflect on the issues under examination; to connect the different historical periods, grasping continuity and discontinuity; to place the facts and institutions in the historical and socio-cultural context of their time.

Textbooks and Reading Materials

Lectures notes will be provided during class meetings and they will also be available on the E-learning Faculty Homepage http://elearning.unimib.it/.

Otherwise, students can decide to study on the following textbooks:

E. Dezza, Breve storia del processo penale inglese, Giappichelli, Torino, 2009 (anche edizioni successive)

A. Cavanna, Storia del diritto moderno in Europa, 2, Le fonti e il pensiero giuridico, Giuffrè, Milano, 2005 (anche edizioni successive), limitatamente alle seguenti parti: pp. 78-87 (dal § 2. L'illuminismo giuridico: caratteri comuni e

differenziazioni interne nel giudizio della storiografia al § 4. Alle radici comuni di illuminismo e assolutismo illuminato: il contrattualismo); pp. 190-222 (Capitolo II, Lumi solari, Cesare Beccaria); pp. 474-514 (Capitolo IV, La codificazione penale rivoluzionaria); pp. 597-606 (§ 2. Il codice di procedura penale 1808)

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS