UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Storia del Diritto di Famiglia

2526-4-A5810039

Learning objectives

This course provides a specific overview of the history of Family Law in order to gain a better understanding of the Present and its future developments. Attending students will specifically have the opportunity to read and analyse historical sources and documents. Students will also be helped to improve their abilities to discuss and solve past legal cases. Students will thus able to read and understand legal texts while gaining at the same time the awareness that lawyers and jurists work using logical reasoning and arguments that are always well-founded and effective.

Contents

The history of Family's law from Middle To Contemporary age

Detailed program

The concept of family from the Middle Ages to date; “Patrimonio e affetti”: succession, dowry, trust; lovematch, arranged marriage, hedgemarriage; Parental authority; woman’s position in the Ancien Régime and in the Age of Codification; the Family Law in the 18th century: criticism and reforms; the French revolutionary law; back to the past: tradition and modernity of the French and Austrian civil codes; European civil law and Italian Family Law in the 18h century; the achievements of the 18th century: Civil Marriage, separation, divorce; the Pisanelli code and the following Italian civil code (1942).

Prerequisites

It is advisible to pass the exam of History of Medieval and Modern Law before taking the exam of History of Family Law because students are required to know the basics about the history of European law and legal thought from the Middle Ages to the Present.

Teaching methods

21 lessons of 2 hours each delivered face-to-face; 2 lectures of 2 hours each delivered in interactive face-to-face mode (prior reading of a few sentences and class discussion by students)

Assessment methods

The examination will be oral. There will be no written tests. The examination will consist of an interview on the topics covered in class. The student will be asked to demonstrate an in-depth knowledge of the syllabus and of the sources analysed, the capacity for critical analysis, the development of dialectical reasoning and knowledge of legal phenomena in a diachronic process, linguistic skills and a basic understanding of the main legal institutions studied in their historical dimension. The understanding of the development of each institution studied will be assessed. The interview will take into account the ability to reflect independently on the points under study, the ability to link the different historical periods, to understand their continuity and discontinuity, the ability to place facts and institutions in the historical and socio-cultural context of the time. The analysis of the sources made available (and discussed in class) will be an indispensable tool to test the students' capacity for logical-legal reasoning, their maturity in conceptual elaboration and their ability to use interpretative tools in the practical application of knowledge.

Textbooks and Reading Materials

The learning materials and sources available on the e-learning platform are to be studied. The sources are an integral part of the learning and must be studied, commented on and explained (the sources will be discussed in class). Your knowledge, understanding, critical analysis and ability to make diachronic connections will be assessed in the oral examination.

Sustainable Development Goals

GENDER EQUALITY | PEACE, JUSTICE AND STRONG INSTITUTIONS