UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Storia del Diritto

2526-1-E141PV003

Learning objectives

Knowledge and Understanding
Looking at the main stages of the history of 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 Knowledge and Understanding
Students will be able to grasp the main legal issues 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.

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 is aimed at providing students with the skills and knowledge to understand the essential aspects of the evolution of legal history from the Middle Ages up to the 20th century. Through the study and direct analysis of legal sources (legislative, jurisprudential, and doctrinal), the answers provided by jurists to the main changes and problems faced by European societies over the centuries will be taken into consideration. The historical-

comparative approach and the references to the links and breaks that mark the events concerning legal institutions, institutional and power structures, doctrinal thought - in Italy and in the main European areas - will allow to fully grasp the features of the growth of the current legal system.

Detailed program

Outlines of the law in late Antiquity; notes on the law in the Early Middle Ages (Germanic peoples and the feudal system); notes on the medieval ius commune; the law in the Modern Era (Supreme Courts; the New World); the doctrine of natural law; the Enlightenment; from the French Revolution to Napoleon; the codes in France and in Austria; the law in Italy after the Unification; the Fascist regime.

Prerequisites

None.

Teaching methods

Online 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

Students can choose between two alternative learning paths.

a) the teaching materials and sources illustrated and commented on in class and uploaded on the e-learning website

OR

b1) A. PADOA SCHIOPPA, Storia del diritto in Europa. Dal medioevo all’età contemporanea, Il Mulino, Bologna 2016, chapters 1, 3 (paragraphs 1, 2, 5), 4 (paragraphs 1-3), 7 (paragraphs 1, 3), 9 (paragraph 1), 10, 14

(paragraph 1), 17 (paragraph 6), 19 (paragraph 4), 21, 23 (paragraphs 1-2.3), 27 (paragraphs 1-5), 28 (paragraphs 3-4), 29, 30 (paragraphs 1-2), 31, 34 (paragraphs 1-2.4, 8.1-8.3), 37 (paragraphs 1-3)
AND
b2) two essays among the following ones:

- G. Cazzetta, *Nell'età delle macchine. Artefici, operai, telegrafisti: diritto codificato e incertezze classificatorie dei giuristi*, in *Lavoro e Diritto*, XXXII, n. 3 (2018), pp. 433-452;
- L. Garlati, *Alle origini della prova scientifica: la scuola di polizia di Salvatore Ottolenghi*, in *Revista Brasileira de Direito Processual Penal*, 7, n. 2 (2021), pp. 883-934 [https://revista.ibraspp.com.br/RBDPP/article/view/597];
- F. Mazzarella, *Diritto e invenzioni. Un'introduzione storica*, in *Rivista di Storia del diritto italiano*, LXXXIII (2010), pp. 69-138;
- M. Sabbioneti, *Le metamorfosi dell'illecito civile. Interpretazione e creazione del diritto nella giurisprudenza della* Cour de Cassation *tra Ottocento e Novecento*, in *Quaderni fiorentini per la storia del pensiero giuridico moderno*, XL (2011), tomo I, pp. 397-467 [https://www.quadernifiorentini.eu/cache/quaderni/40/0399.pdf];
- M.N. Miletti, *La follia nel processo. Alienisti e procedura penale nell'Italia postunitaria*, in *Acta Histriae*, 15 (2007), pp. 321-346;
- E. Fusar Poli, *Centro dinamico di forze. I giuristi e l'innovazione scientifico-tecnologica fra liberismo e autarchia*, cap. 4 (pp. 191-234).

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS