UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Storia del Diritto di Famiglia

2627-4-A5810039

Learning objectives

The course aims to provide specific and critical knowledge of the history of family law, with a view to gaining a better understanding of the present and its possible future developments. Students will have the opportunity to participate actively through the analysis of sources and documents and the discussion of specific cases. In particular, the course aims to provide knowledge, skills and the ability to understand legal institutions in the family sphere from a diachronic perspective. The course aims to help students develop the ability to interpret legal sources and to address practical cases from the past in the light of current legislation.
Knowledge and understanding: by the end of the course, students will have acquired the knowledge and ability to understand the fundamental legal institutions of family law from a historical perspective of evolution; they will have acquired technical legal language and will be able to recognise the continuities and discontinuities that have characterised the history of family law.
Application of knowledge and understanding: by the end of the course, students will have acquired the ability to resolve practical cases based on past experience and in accordance with current legislation. They will be able to interpret sources, recognising that legal practitioners employ logical and argumentative techniques that remain valid at all times.
Independence of judgement

Contents

The course covers the study of family law from the Middle Ages to the 19th- and 20th-century codes, with reference to both personal and property relations. The course will focus on examining the history of the law from the perspective of women, who were often denied their rights, in order to understand the struggles and hard-won victories in securing certain rights: from the abolition of marital consent to the right to vote, from the first women elected to a political body (the Constituent Assembly) to the abolition of the right of honour, from the regulation of infanticide to the differing treatment of adultery, and the issue of sexual violence.

Translated with DeepL.com (free version)

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