UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Legal History - M-Z

2627-1-LMG01A001-MZ

Learning objectives

The course aims to provide a critical understanding of the evolution of law from a historical perspective, from the Middle Ages to the present day, in order to better understand the present and its possible future developments. In particular, the course objectives consist of acquiring knowledge and skills, as well as the ability to understand legal institutions from a diachronic perspective. The aim is also to provide an understanding of legal language, to familiarise students with logical and conceptual categories, to recover the meaning of the past in order to understand the origins and reasons behind current legal institutions, both in private and public law, and to acquire knowledge of the main European schools of thought.
Knowledge and understanding: by the end of the course, students will have acquired knowledge of and an understanding of fundamental legal institutions from the perspective of their historical evolution; technical legal language; and the ability to analyse the continuities and discontinuities that have characterised our legal history.
Applied knowledge and understanding: students will be able to understand and apply the statutory and case-law sources studied to practical cases drawn from the past; to reason regarding legal questions; to understand the mechanisms of the law and of criminal procedure, as well as the institutions as well as family institutions; to interpret legal cases from the distant and recent past; to understand the origins of certain current legislative decisions as well as the persistence of certain cultural traits.
Independence of judgement: by the end of the course, students will have developed the ability to engage in critical reflection on historical phenomena
Communication skills: students will have acquired the ability to communicate legal issues with linguistic accuracy from a historical perspective and in relation to the interplay between history and current affairs
Ability to learn independently: students will have acquired the intellectual tools enabling them to reflect on the present with an understanding of the legal and cultural process that led to specific legislative choices.

Contents

The course aims to analyse the evolution of the sources of law in Europe from the Middle Ages to the 20th century, through the study of the relationships between legislation, legal doctrine and legal practice. In particular, the course

will examine the types of sources, legal schools, methods of interpretation, and modes of administration of justice—including through the study of certain famous trials—as well as the role of jurists and the major schools of thought that have contributed to the formation of modern legal science. Through a reasoned approach, the course will identify the constant link between law and society, drawing on specific institutions of private and public law, which are useful for understanding the dynamic process of legal history, including from a comparative perspective.

Detailed program

- Ancient and early medieval roots: late antique law, the law of the Germanic kingdoms, the Carolingian and feudal periods, the Church and the Empire, early medieval schools
- Classical common law: institutions, the school of gloss and commentary, canon law and its relationship with civil law, the common law system
- The modern era: consilia, jurists and courts of justice, natural law, the crisis of common law
- The age of reforms: the legal Enlightenment, 18th-century reforms, revolutionary law
- The age of codification: the French and Austrian codes, the Restoration and pre-unification legislation
- Unification codes from the 19th to the 20th century
- In-depth examination of specific topics: criminal procedure and criminal law; the death penalty; the family; gender discrimination; the prison system; criminal asylums, with an analysis of some famous cases

Prerequisites

None

Teaching methods

36 classroom lessons

Assessment methods

TThe examination will be conducted orally. There will be no written tests. The examination will consist of an interview covering the course materials, the documents and sources available via e-learning, and the topics discussed in class. Attendance at lectures is strongly recommended given the format of the course and the subsequent examination.
• Knowledge and comprehension: knowledge of the sources and the legal discipline relating to the various institutions examined, and the ability to analyse the relevant socio-political context
• Applied knowledge and comprehension: application of the concepts acquired to specific cases and the ability to propose coherent solutions to specific legal issues.
• Independent judgement: ability to re-examine the principles and rules under study, analyse their scope of application and formulate critical conclusions
• Communication skills: clear and coherent presentation using appropriate technical and legal language.
• Learning skills: mastery of the method of analysing legal and operational rules in the subjects covered.

Textbooks and Reading Materials

a) Lecture noted and sources available on the e-learning website

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS