



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza		
ACADEMIC YEAR	2016/2017		
MASTER'S DEGREE (MSC)	LAW		
INTEGRATED COURSE	HISTORY OF MEDIEVAL AND MODERN LAW - INTEGRATED COURSE		
CODE	19283		
MODULES	Yes		
NUMBER OF MODULES	2		
SCIENTIFIC SECTOR(S)	IUS/19		
HEAD PROFESSOR(S)	FECI SIMONA	Professore a contratto in quiescenza	Univ. di PALERMO
	MAZZARELLA FERDINANDO	Professore Ordinario	Univ. di PALERMO
	PASCIUTA BEATRICE	Professore Ordinario	Univ. di PALERMO
OTHER PROFESSOR(S)	DI CHIARA FRANCESCO	Professore Associato	Univ. di PALERMO
	FECI SIMONA	Professore a contratto in quiescenza	Univ. di PALERMO
	MAZZARELLA FERDINANDO	Professore Ordinario	Univ. di PALERMO
	PASCIUTA BEATRICE	Professore Ordinario	Univ. di PALERMO
CREDITS	12		
PROPAEDEUTICAL SUBJECTS	06740 - HISTORY OF ROMAN LAW		
MUTUALIZATION			
YEAR	3		
TERM (SEMESTER)	Annual		
ATTENDANCE	Not mandatory		
EVALUATION	Out of 30		
TEACHER OFFICE HOURS	DI CHIARA FRANCESCO Wednesday 10:00 14:00 presso via Maqueda 172 - Dipartimento di Giurisprudenza, I piano, ex Sezione di storia del diritto, stanza 5. FECI SIMONA Thursday 12:00 13:30 Maqueda 172 - Dipartimento di Giurisprudenza, I piano, ex Sezione di storia del diritto, stanza 5 MAZZARELLA FERDINANDO Wednesday 11:00 12:00 Dipartimento di Giurisprudenza. Via Maqueda, 172, Palermo. Sezione di Storia del diritto. Piano primo. PASCIUTA BEATRICE Wednesday 10:00 11:00 Dipartimento di Giurisprudenza - Sezione Storia del diritto. Via Maqueda 132, primo piano - stanza V		

PREREQUISITES	Adequate knowledge of general notions concerning medieval to contemporary history as well as the major legal concepts.
LEARNING OUTCOMES	Credits for this course are awarded to students who show the following results: Knowledge and understanding • have demonstrated in the field of the discipline knowledge and understanding that builds upon their general secondary education, and is typically at a level that, whilst supported by advanced textbooks, includes some aspects that will be informed by knowledge of the forefront of their field of study; Applying knowledge and understanding • can apply their knowledge and understanding in the field of the discipline in a manner that indicates a professional approach to their work or vocation, and have competences typically demonstrated through devising and sustaining arguments and solving problems within their field of study; Communication • can communicate information, ideas, problems and solutions to both specialist and non-specialist audiences in the field of the discipline; Making judgements • have the ability to gather and interpret relevant data in the field of the discipline to inform judgements that include reflection on relevant social, scientific or ethical issues; • have developed those learning skills that are necessary for them to continue to undertake further study with a high degree of autonomy.
ASSESSMENT METHODS	Final oral assessment: The oral assessment is an interview in which knowledge and skills in the field of study are going to be tested. Final notes go from 18 to 30 cum laude points. The student is required to answer at oral questions regarding the topics of the syllabus with reference to the suggested books. Questions shall assess a) Knowledge and understanding b) cognitive and practical skills c) ability to communicate d) Making judgements Note European Qualifications Framework The evaluation will take place 'in conformity' to the following evaluation grid: -Excellent 30 -30 cum laude: advanced knowledge of the topics, excellent property language, excellent capacity of analysis; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. He/she is also able to properly argue possible solution, including multiple alternatives. - Very good 26-29: good knowledge of the topics, good properties of language, good capacity analytical; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. The students is able to adequately apply theoretical knowledge to real cases which are proposed to be analysed. - Good 24-25: Basic knowledge of the main topics, good property of language, the student shows limited ability to apply theoretical knowledge to real cases which are proposed to be analyzed. -Satisfactory 21-23: the student does not show that complete command of the main teaching topics, although showing to know the basic knowledges; he/she shows satisfactory property of language albeit with a poor ability' to adequately apply theoretical knowledge to real cases which are proposed to be analyzed. - Sufficient 18-20: minimal knowledge of the main teaching and technical language issues, limited or no capacity to adequately apply theoretical knowledge to real cases which are proposed to be analyzed. - Insufficient outcome: the student does not have an acceptable knowledge of the contents of the various topics on the agenda. During the first or the second semester n. 1 written test in progress, on voluntary basis, is scheduled. The test, consisting in one or more open questions, is devoted to offer the student an opportunity to do a preliminary check up of his/ her overall understanding and knowledge of the syllabus.
TEACHING METHODS	Lectures, practice exercises, reading and discussion of sources and literature.

PREREQUISITES	adequate knowledge of general notions concerning medieval to contemporary history as well as the major legal concepts
LEARNING OUTCOMES	LEARNING OUTCOMES ECTS credits for this course are awarded to students who: Knowledge and understanding • have demonstrated in the field of the discipline knowledge and understanding that builds upon their general secondary education, and is typically at a level that, whilst supported by advanced textbooks, includes some aspects that will be informed by knowledge of the forefront of their field of study; Applying knowledge and understanding • can apply their knowledge and understanding in the field of the discipline in a manner that indicates a professional approach to their work or vocation, and have competences typically demonstrated through devising and sustaining arguments and solving problems within their field of study; Communication • can communicate information, ideas, problems and solutions to both specialist and non-specialist audiences in the field of the discipline; Making judgements • have the ability to gather and interpret relevant data in the field of the discipline to inform judgements that include reflection on relevant social, scientific or ethical issues; • have developed those learning skills that are necessary for them to continue to undertake further study with a high degree of autonomy.
ASSESSMENT METHODS	Final oral assessment: The oral assessment is an interview in which knowledge and skills in the field of study are going to be tested. Final notes go from 18 to 30 cum laude points. The student is required to answer at least 3 oral questions regarding the topics of the syllabus with reference to the suggested books. Questions shall assess a) Knowledge and understanding b) cognitive and practical skills c) ability to communicate d) Making judgements Note European Qualifications Framework The interview consists of a minimum of three questions. The evaluation will take place 'in conformity' to the following evaluation grid: -Excellent 30 -30 cum laude: advanced knowledge of the topics, excellent property 'language, excellent capacity of analysis ; the student is 'able to apply theoretical knowledge to real cases which are proposed to be analysed. He/she is also able to properly argue possible solution, including multiple alternatives. - Very good 26-29: good knowledge of the topics, good properties 'of language, good capacity' analytical; tthe student is 'able to apply theoretical knowledge to real cases which are proposed to be analysed. The students is able to adequately apply theoretical knowledge to real cases which are proposed to be analysed - Good 24-25: Basic knowledge of the main topics, good property of language, the student shows limited ability' to apply theoretical knowledge to real cases which are proposed to be analyzed. -Satisfactory 21-23: the student does not show that complete command of the main teaching topics, although showing to know the basic knowledges; he/she shows satisfactory property of language albeit with a poor ability' to adequately apply theoretical knowledge to real cases which are proposed to be analyzed. - Sufficient 18-20: minimal knowledge of the main teaching and technical language issues, limited or no capacxty to adequately apply theoretical knowledge to real cases which are proposed to be analyzed. - Insufficient outcome: the student does not have an acceptable knowledge of the contents of the various topics on the agenda. During the first semester or the second one n. 1 written test in progress, on voluntary basis, is scheduled. The test, consisting in four open questions, is devoted to offer the stuudent an opportunity to do a preliminary check up of his/ her overall understanding and knowledge of the syllabus. The assessment of the evidence does not mean the final examination and is given a choice: Positive Rating / negative judgment.
TEACHING METHODS	Lectures and guided discussion on and analysis of the proposed historical sources

PREREQUISITES	Adequate knowledge of general notions concerning medieval to contemporary history as well as the major legal concepts.
LEARNING OUTCOMES	ECTS credits for this course are awarded to students who: Knowledge and understanding • have demonstrated in the field of the discipline knowledge and understanding that builds upon their general secondary education, and is typically at a level that, whilst supported by advanced textbooks, includes some aspects that will be informed by knowledge of the forefront of their field of study; Applying knowledge and understanding • can apply their knowledge and understanding in the field of the discipline in a manner that indicates a professional approach to their work or vocation, and have competences typically demonstrated through devising and sustaining arguments and solving problems within their field of study; Communication • can communicate information, ideas, problems and solutions to both specialist and non-specialist audiences in the field of the discipline; Making judgements • have the ability to gather and interpret relevant data in the field of the discipline to inform judgements that include reflection on relevant social, scientific or ethical issues; • have developed those learning skills that are necessary for them to continue to undertake further study with a high degree of autonomy.
ASSESSMENT METHODS	Final oral assessment: The oral assessment is an interview in which knowledge and skills in the field of study are going to be tested. Final notes go from 18 to 30 cum laude points. The student is required to answer at least 3 oral questions regarding the topics of the syllabus with reference to the suggested books. Questions shall assess a) Knowledge and understanding b) cognitive and practical skills c) ability to communicate d) Making judgements Note European Qualifications Framework The interview consists of a minimum of three questions. The evaluation will take place 'in conformity' to the following evaluation grid: -Excellent 30 -30 cum laude: advanced knowledge of the topics, excellent property 'language, excellent capacity of analysis ; the student is 'able to apply theoretical knowledge to real cases which are proposed to be analysed. He/she is also able to properly argue possible solution, including multiple alternatives. - Very good 26-29: good knowledge of the topics, good properties 'of language, good capacity' analytical; tthe student is 'able to apply theoretical knowledge to real cases which are proposed to be analysed. The students is able to adequately apply theoretical knowledge to real cases which are proposed to be analysed. - Good 24-25: Basic knowledge of the main topics, good property of language, the student shows limited ability' to apply theoretical knowledge to real cases which are proposed to be analyzed. -Satisfactory 21-23: the student does not show that complete command of the main teaching topics, although showing to know the basic knowledges; he/she shows satisfactory property of language albeit with a poor ability' to adequately apply theoretical knowledge to real cases which are proposed to be analyzed. - Sufficient 18-20: minimal knowledge of the main teaching and technical language issues, limited or no capacxty to adequately apply theoretical knowledge to real cases which are proposed to be analyzed. - Insufficient outcome: the student does not have an acceptable knowledge of the contents of the various topics on the agenda. During the first semester or the second one n. 1 written test in progress, on voluntary basis, is scheduled. The test, consisting in four open questions, is devoted to offer the stuudent an opportunity to do a preliminary check up of his/ her overall understanding and knowledge of the syllabus. The assessment of the evidence does not mean the final examination and is given a choice: Positive Rating / negative judgment.
TEACHING METHODS	Lectures, practice exercises, reading and discussion of sources and literature.

MODULE MODULE 1

Prof. FERDINANDO MAZZARELLA - Lettere F-N, - Lettere F-N

SUGGESTED BIBLIOGRAPHY

E. CORTESE, *Le grandi linee della storia giuridica medievale*, Roma, Il Cigno, 2000; P. GROSSI, *L'ordine giuridico medievale*, Roma-Bari, Laterza, 1995, pp. 39-253.

NB: I testi consigliati potranno variare in ragione delle nuove pubblicazioni e delle ricerche in corso.

Please note: Suggested bibliography could change according with new publications and research in progress.

AMBIT	20004-Storico-giuridico
INDIVIDUAL STUDY (Hrs)	102
COURSE ACTIVITY (Hrs)	48

EDUCATIONAL OBJECTIVES OF THE MODULE

The course aims at training a complete jurist, provided of an historical perspective, which represents not only a culturale enrichment, but also the precondition for a critical approach towards the contemporary law. Thanks to the historical studies, the student will be able to get the relativity of the current laws and to acquire a different point of view, more informed than the traditional one, based on a formalistic and legalistic concept.

SYLLABUS

Hrs	Frontal teaching
3	General points. a) Between past and present: the historical dimension of law. b) The medieval order: pluralism, social dimension, sources of law. c) The modern concept of law: State, statutes, codes, constitutions, administration, property. d) Legal mythologies.
15	The legal order in the first part of the Middle Ages. a) The old World's crisis: facts, possession, land, customs. b) Law without State: the supremacy of customs. c) A "primordial" order: rights and things; obligations and contracts; feudalism. g) The origins of the Church.
21	The new Millennium between transformation and continuity. a) The Renaissance of the law. b) Irnerio, the Glosses and the University of Bologna. c) Lex, iurisdictio and interpretatio. d) Aequitas and reasonableness. e) From Gratianus' Decretum to Codex Iuris Canonici. f) Universality and pluralism, ius commune et iura propria. g) Municipalities, universitates, kingdoms, Empire, Church. h) The law of the Kingdoms; i) The municipal law and the issue of ius novum. l) After the Glossators. m) The Commentators.
8	Towards the Modern Age. a) New roles and new orientations. b) The Roman Law as ratio scripta. c) The sources of the Law between Kings and Tribunals. d) Lex mercatoria and ius mercatorum.
Hrs	Practice
1	Practice exercise.
Hrs	Others
0	Please note: Program and topics could change according with research in progress and current events.

MODULE MODULE 2

Prof. FERDINANDO MAZZARELLA - Lettere F-N, - Lettere F-N

SUGGESTED BIBLIOGRAPHY

A. PADOA SCHIOPPA, Storia del diritto in Europa. Dal medioevo all'eta' contemporanea, Bologna, il Mulino, 2007, pp. 221-620; E. DEZZA, Lezioni di Storia della codificazione civile. Il Code Civil (1804) e l'Allgemeines Bürgerliches Gesetzbuch (ABGB, 1812), Torino, Giappichelli, 2000, pp. 5-80 e 125-162; P. GROSSI, L'Europa del diritto, Roma-Bari, Laterza, 2007, pp. 67-255.

NB: I testi consigliati potranno variare in ragione delle nuove pubblicazioni e delle ricerche in corso.

Please note: Suggested bibliography could change according with new publications and research in progress.

AMBIT	20004-Storico-giuridico
INDIVIDUAL STUDY (Hrs)	102
COURSE ACTIVITY (Hrs)	48

EDUCATIONAL OBJECTIVES OF THE MODULE

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SYLLABUS

Hrs	Frontal teaching
6	The legal order in the Modern Age. a) State and sovereignty. b) The absolutism. c) The rule of law.
8	Towards the crisis of the Ancien Régime. a) Natural law and individualism. b) Ideologies and techniques for an ideal codification. c) The legal Enlightenment. d) Projects and laws of the enlightened sovereigns. e) Consolidations and codifications.
11	The French Revolution. a) From the corporate society to the sovereign Nation. b) Bill of rights and constitutions. c) Law and freedom, property and equality, separation of powers and rights. d) The revolutionary laws. e) The french codification: projects and ideologies. f) Family, property, contract, successions, culpability in the 1804 Code civil. g) The austrian codification: the 1811 ABGB.
12	The development of the modernity. a) Modern constitution and Liberalism. b) French vs American Constitutionalism. c) The borning of the administrative power and the origins of the administrative jurisdiction. d) The german "Rechtsstaat". e) The School of Exegesis. f) The Historical School of Law and the discussion about Codification: Savigny and Thibaut. g) The codification in Italy before and after the unification. h) The objective system of the commercial Law and the supremacy of the merchant. i) The german "Pandektenwissenschaft".
10	Legal itineraries between 19th and 20th Centuries. a) The legal culture at the end of the 19th Century: a turning point. b) Social question and labour law. c) The BGB and the 1907 Swiss Code. d) The enterprise in the legal order. e) Legal "Modernism" and social complexity. f) Pluralistic theories, totalitarianisms and democratic constitutions.
Hrs	Practice
1	Practice exercise.
Hrs	Others
0	Please note: Program and topics could change according with research in progress and current events.

**MODULE
MODULE 1**

Prof. FRANCESCO DI CHIARA - Lettere A-E, - Lettere A-E

SUGGESTED BIBLIOGRAPHY

E. Cortese, Le grandi linee della storia giuridica medievale, Roma, Il Cigno, 2000.

E. Conte, Diritto comune, Bologna, Il Mulino 2009.

AMBIT	20004-Storico-giuridico
INDIVIDUAL STUDY (Hrs)	102
COURSE ACTIVITY (Hrs)	48

EDUCATIONAL OBJECTIVES OF THE MODULE

The course aims at teaching how to face a juridical text in its historical context. The study of law in historical perspective allows the student to investigate the relativity ' of legal solutions and their transformation during the time. Further to acquire critical ability, cultural openness and sense of relativity, the student will have so way to explore the historical and social dimension of the law, measuring himself/herself with a different perspective from that legalistic one traditionally tied up to the study of the positive law.

SYLLABUS

Hrs	Frontal teaching
7	Introduction to the course: law in a historical perspective
8	Outlines of medievale law: Bologna and the birth of the University
8	Outlines of medievale law: canon law
8	Outlines of medievale law: ius comune and iura propria
7	Outlines of medievale law: la scuola del Commento
9	The evolution of the early modern legal thought between the XVth and XVIIth century
Hrs	Practice
1	Practice exercise

MODULE MODULE 2

Prof.ssa BEATRICE PASCIUTA - Lettere A-E, - Lettere A-E

SUGGESTED BIBLIOGRAPHY

A. Padoa Schioppa, Storia del diritto in Europa. Dal medioevo all'età contemporanea, Bologna, Il Mulino 2007, dalla parte III alla VI.
E. Dezza, Lezioni di Storia della codificazione civile. Il Code Civil (1804) e l'Allgemeines Bürgerliches Gesetzbuch (ABGB, 1812), Torino, Giappichelli, 2000.

AMBIT	20004-Storico-giuridico
INDIVIDUAL STUDY (Hrs)	102
COURSE ACTIVITY (Hrs)	48

EDUCATIONAL OBJECTIVES OF THE MODULE

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SYLLABUS

Hrs	Frontal teaching
8	National law and ius comune in the european early modern States
8	Natural law theory and human rights
8	Enlightenment and the revolutionary law in USA and France
8	Codification
8	Law and nations in the XIXth century
7	Authors, texts and case studies
Hrs	Practice
1	Practice exercise

MODULE MODULE 1

Prof.ssa SIMONA FECI - Lettere O-Z, - Lettere O-Z

SUGGESTED BIBLIOGRAPHY

E. Cortese, Le grandi linee della storia giuridica medievale, Roma, Il Cigno, 2000.
A. Padoa Schioppa, Storia del diritto in Europa. Dal medioevo all'età contemporanea, Bologna, Il Mulino 2007, parte I-III

AMBIT	20004-Storico-giuridico
INDIVIDUAL STUDY (Hrs)	102
COURSE ACTIVITY (Hrs)	48

EDUCATIONAL OBJECTIVES OF THE MODULE

The course aims at training a complete jurist, provided of an historical perspective, which represents not only a culturale enrichment, but also the precondition for a critical approach towards the contemporary law. Thanks to the historical studies, the student will be able to get the relativity of the current laws and to acquire a different point of view, more informed than the traditional one, based on a formalistic and legalistic concept.

SYLLABUS

Hrs	Frontal teaching
48	1 Introduction to the course: law in a historical perspective (6 ore) 2 Outlines of medievale law: Bologna e la nascita dell'Università (6 ore) 3 Outlines of medievale law: canon law (6 ore) 4 Outlines of medievale law: ius comune and iura propria (6 ore) 5 Outlines of medievale law: la scuola del Commento (6 ore) 6 The evolution of the early modern legal thought between the XVth and XVIIth century (6 ore) 7 National law and ius comune in the european early modern States (6 ore) 8 Natural law theory and human rights (6 ore)

**MODULE
MODULE 2**

Prof.ssa SIMONA FECI - Lettere O-Z, - Lettere O-Z

SUGGESTED BIBLIOGRAPHY

A. Padoa Schioppa, Storia del diritto in Europa. Dal medioevo all'età contemporanea, Bologna, Il Mulino 2007, parte III-V
E. Dezza, Lezioni di Storia della codificazione civile. Il Code Civil (1804) e l'Allgemeines Bürgerliches Gesetzbuch (ABGB, 1812), Torino, Giappichelli, 2000
S. Feci - L. Schettini (a cura di), La violenza contro le donne nella storia. Contesti, linguaggi e politiche del diritto (secc. XV-XXI), Roma, Viella, 2017

AMBIT	20004-Storico-giuridico
INDIVIDUAL STUDY (Hrs)	102
COURSE ACTIVITY (Hrs)	48

EDUCATIONAL OBJECTIVES OF THE MODULE

The course aims at teaching how to face a juridical text in its historical context. The study of law in historical perspective allows the student to investigate the relativity ' of legal solutions and their transformation during the time. Further to acquire critical ability, cultural openness and sense of relativity, the student will have so way to explore the historical and social dimension of the law, measuring himself/herself with a different perspective from that legalistic one traditionally tied up to the study of the positive law.

SYLLABUS

Hrs	Frontal teaching
48	1 Enlightenment and the revolutionary law in USA and France (6 ore) 2 Codification (6 ore) 3 Law and nations in the XIXth century (6 ore) 4 Authors, texts and case studies (30 ore)