



# UNIVERSITÀ DEGLI STUDI DI PALERMO

<b>DEPARTMENT</b>	Giurisprudenza		
<b>ACADEMIC YEAR</b>	2017/2018		
<b>MASTER'S DEGREE (MSC)</b>	LAW		
<b>INTEGRATED COURSE</b>	HISTORY OF MEDIEVAL AND MODERN LAW - INTEGRATED COURSE		
<b>CODE</b>	19283		
<b>MODULES</b>	Yes		
<b>NUMBER OF MODULES</b>	2		
<b>SCIENTIFIC SECTOR(S)</b>	IUS/19		
<b>HEAD PROFESSOR(S)</b>	FECI SIMONA	Professore a contratto in quiescenza	Univ. di PALERMO
	PASCIUTA BEATRICE	Professore Ordinario	Univ. di PALERMO
<b>OTHER PROFESSOR(S)</b>	FECI SIMONA	Professore a contratto in quiescenza	Univ. di PALERMO
	MAZZARELLA FERDINANDO	Professore Ordinario	Univ. di PALERMO
	PASCIUTA BEATRICE	Professore Ordinario	Univ. di PALERMO
<b>CREDITS</b>	12		
<b>PROPAEDEUTICAL SUBJECTS</b>	06740 - HISTORY OF ROMAN LAW		
<b>MUTUALIZATION</b>			
<b>YEAR</b>	3		
<b>TERM (SEMESTER)</b>	Annual		
<b>ATTENDANCE</b>	Not mandatory		
<b>EVALUATION</b>	Out of 30		
<b>TEACHER OFFICE HOURS</b>	<b>FECI SIMONA</b> Thursday 12:00 13:30 Maqueda 172 - Dipartimento di Giurisprudenza, I piano, ex Sezione di storia del diritto, stanza 5		
	<b>MAZZARELLA FERDINANDO</b> Wednesday 11:00 12:00 Dipartimento di Giurisprudenza. Via Maqueda, 172, Palermo. Sezione di Storia del diritto. Piano primo.		
	<b>PASCIUTA BEATRICE</b> Wednesday 10:00 11:00 Dipartimento di Giurisprudenza - Sezione Storia del diritto. Via Maqueda 132, primo piano - stanza V		

<b>PREREQUISITES</b>	adequate knowledge of general notions concerning medieval to contemporary history as well as the major legal concepts
<b>LEARNING OUTCOMES</b>	<p>LEARNING OUTCOMES ECTS credits for this course are awarded to students who:</p> <p>Knowledge and understanding</p> <ul style="list-style-type: none"> <li>• 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;</li> </ul> <p>Applying knowledge and understanding</p> <ul style="list-style-type: none"> <li>• 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;</li> </ul> <p>Communication</p> <ul style="list-style-type: none"> <li>• can communicate information, ideas, problems and solutions to both specialist and non-specialist audiences in the field of the discipline;</li> </ul> <p>Making judgements</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• have developed those learning skills that are necessary for them to continue to undertake further study with a high degree of autonomy.</li> </ul>
<b>ASSESSMENT METHODS</b>	<p>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.</p> <p>Questions shall assess a) Knowledge and understanding b) cognitive and practical skills c) ability to communicate d) Making judgements</p> <p>Note European Qualifications Framework</p> <p>The interview consists of a minimum of three questions.</p> <p>The evaluation will take place 'in conformity' to the following evaluation grid:</p> <ul style="list-style-type: none"> <li>-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.</li> <li>- 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</li> <li>- 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.</li> <li>-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.</li> <li>- 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.</li> <li>- Insufficient outcome: the student does not have an acceptable knowledge of the contents of the various topics on the agenda.</li> </ul> <p>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.</p> <p>The assessment of the evidence does not mean the final examination and is given a choice: Positive Rating / negative judgment.</p>
<b>TEACHING METHODS</b>	Lectures and guided discussion on and analysis of the proposed historical sources

<b>PREREQUISITES</b>	Adequate knowledge of general notions concerning medieval to contemporary history as well as the major legal concepts.
<b>LEARNING OUTCOMES</b>	<p>ECTS credits for this course are awarded to students who:</p> <p>Knowledge and understanding</p> <ul style="list-style-type: none"> <li>• 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;</li> </ul> <p>Applying knowledge and understanding</p> <ul style="list-style-type: none"> <li>• 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;</li> </ul> <p>Communication</p> <ul style="list-style-type: none"> <li>• can communicate information, ideas, problems and solutions to both specialist and non-specialist audiences in the field of the discipline;</li> </ul> <p>Making judgements</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• have developed those learning skills that are necessary for them to continue to undertake further study with a high degree of autonomy.</li> </ul>
<b>ASSESSMENT METHODS</b>	<p>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</p> <p>Note European Qualifications Framework</p> <p>The interview consists of a minimum of three questions.</p> <p>The evaluation will take place 'in conformity' to the following evaluation grid:</p> <ul style="list-style-type: none"> <li>-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.</li> <li>- 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.</li> <li>- 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.</li> <li>-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.</li> <li>- 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.</li> <li>- Insufficient outcome: the student does not have an acceptable knowledge of the contents of the various topics on the agenda.</li> </ul> <p>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.</p> <p>The assessment of the evidence does not mean the final examination and is given a choice: Positive Rating / negative judgment.</p>
<b>TEACHING METHODS</b>	Lectures, practice exercises, reading and discussion of sources and literature.

**MODULE  
MODULE 1**

*Prof.ssa SIMONA FECL - 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.

<b>AMBIT</b>	20004-Storico-giuridico
<b>INDIVIDUAL STUDY (Hrs)</b>	102
<b>COURSE ACTIVITY (Hrs)</b>	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**

<b>Hrs</b>	<b>Frontal teaching</b>
7	Introduction to the course: law in a historical perspective
8	Outlines of medievale law: Bologna e la nascita dell'Università
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
<b>Hrs</b>	<b>Practice</b>
1	Practice exercise

## MODULE MODULE 2

*Prof.ssa SIMONA FECL - 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.

<b>AMBIT</b>	20004-Storico-giuridico
<b>INDIVIDUAL STUDY (Hrs)</b>	102
<b>COURSE ACTIVITY (Hrs)</b>	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
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 FECL - 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

<b>AMBIT</b>	20004-Storico-giuridico
<b>INDIVIDUAL STUDY (Hrs)</b>	102
<b>COURSE ACTIVITY (Hrs)</b>	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'eta 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

<b>AMBIT</b>	20004-Storico-giuridico
<b>INDIVIDUAL STUDY (Hrs)</b>	102
<b>COURSE ACTIVITY (Hrs)</b>	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**

<b>Hrs</b>	<b>Frontal teaching</b>
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)