



# UNIVERSITÀ DEGLI STUDI DI PALERMO

<b>DEPARTMENT</b>	Giurisprudenza
<b>ACADEMIC YEAR</b>	2023/2024
<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>	<p>DI CHIARA FRANCESCO Professore Associato Univ. di PALERMO</p> <p>FECI SIMONA Professore a contratto in quiescenza Univ. di PALERMO</p> <p>MAZZARELLA FERDINANDO Professore Ordinario Univ. di PALERMO</p>
<b>OTHER PROFESSOR(S)</b>	<p>DI CHIARA FRANCESCO Professore Associato Univ. di PALERMO</p> <p>FECI SIMONA Professore a contratto in quiescenza Univ. di PALERMO</p> <p>MAZZARELLA FERDINANDO Professore Ordinario Univ. di PALERMO</p>
<b>CREDITS</b>	12
<b>PROPAEDEUTICAL SUBJECTS</b>	
<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>	<p><b>DI CHIARA FRANCESCO</b> Wednesday 10:00 - 14:00 presso via Maqueda 172 - Dipartimento di Giurisprudenza, I piano, ex Sezione di storia del diritto, stanza 5.</p> <p><b>FECI SIMONA</b> Thursday 12:00 - 13:30 Maqueda 172 - Dipartimento di Giurisprudenza, I piano, ex Sezione di storia del diritto, stanza 5</p> <p><b>MAZZARELLA FERDINANDO</b> Wednesday 11:00 - 12:00 Dipartimento di Giurisprudenza. Via Maqueda, 172, Palermo. Sezione di Storia del diritto. Piano primo.</p>

<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>Credits for this course are awarded to students who show the following results:</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.</p> <p>The student is required to answer at oral questions regarding the topics of the syllabus with reference to the lessons and/or the suggested books. The number of questions depends on the answers of the student and the outcome of possible written tests.</p> <p>Questions shall assess a) Knowledge and understanding b) cognitive and practical skills c) ability to communicate d) Making judgements Note European Qualifications Framework</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 or the second semester n. 1 or more written tests 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.</p>
<b>TEACHING METHODS</b>	Lectures, practice exercises, reading and discussion of sources and literature.

<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. 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 student 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

DOCENTE: Prof.ssa SIMONA FECI- Lettere O-Z

<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>Credits for this course are awarded to students who show the following results:</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.</p> <p>The student is required to answer at 2 or 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 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; 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.</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 capacity 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 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 preliminar</p>
<b>TEACHING METHODS</b>	Lectures, practice exercises, reading and discussion of sources and literature

**MODULE**  
**HISTORY OF MEDIEVAL AND MODERN LAW - MODULE I**

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

**SUGGESTED BIBLIOGRAPHY**

Agli studenti frequentanti il docente indicherà a lezione i testi di riferimento, nonché le fonti e i materiali didattici integrativi, che verranno di volta in volta caricati sulle piattaforme on line.

Per gli studenti non frequentanti i testi sono i seguenti (tutti):

P. GROSSI, L'ordine giuridico medievale, Roma-Bari, Laterza, e E.CORTESE, Le grandi linee della Storia Giuridica Medievale, Roma, Il Cigno.

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

The professor will show during the lessons the reference books, as well as sources and supplementary teaching materials, which will be uploaded from time to time on the on line platforms.

Students who don't follow the lessons will study on the following reference books (all):

P. GROSSI, L'ordine giuridico medievale, Roma-Bari, Laterza, e E.CORTESE, Le grandi linee della Storia Giuridica Medievale, Roma, Il Cigno.

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

<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
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 trasformation 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**  
**HISTORY OF MEDIEVAL AND MODERN LAW - MODULE II**

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

**SUGGESTED BIBLIOGRAPHY**

Agli studenti frequentanti il docente indicherà a lezione i testi di riferimento, nonché le fonti e i materiali didattici integrativi, che verranno di volta in volta caricati sulle piattaforme on line.

Per gli studenti non frequentanti i testi sono i seguenti (tutti):

A. PADOA SCHIOPPA, Storia del diritto in Europa. Dal medioevo all'età contemporanea, Bologna, il Mulino, 2016, capp. 22-38; 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, 2021, pp. 67-255.

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

The professor will show during the lessons the reference books, as well as sources and supplementary teaching materials, which will be uploaded from time to time on the on line platforms.

Students who don't follow the lessons will study on the following reference books (all):

A. PADOA SCHIOPPA, Storia del diritto in Europa. Dal medioevo all'età contemporanea, Bologna, il Mulino, 2007, capp. 22-38; 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.

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

<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**

<b>Hrs</b>	<b>Frontal teaching</b>
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. g) The 1942 Civil code: continuity, ideology, constitution.
<b>Hrs</b>	<b>Practice</b>
1	Practice exercise.
<b>Hrs</b>	<b>Others</b>
0	Please note: Program and topics could change according with research in progress and current events.

**MODULE**  
**HISTORY OF MEDIEVAL AND MODERN LAW - MODULE I**

*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.

<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
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
7	Introduction to the course: law in a historical perspective
8	Outlines of medievale law: Bologna and the birth of the University
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Hrs	Practice
1	Practice excercise
1	Practice excercise

**MODULE**  
**HISTORY OF MEDIEVAL AND MODERN LAW - MODULE II**

*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.

<b>AMBIT</b>	20004-Storico-giuridico
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**SYLLABUS**

Hrs	Frontal teaching
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Hrs	Practice
1	Practice exercise
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**MODULE**  
**HISTORY OF MEDIEVAL AND MODERN LAW - MODULE I**

*Prof.ssa SIMONA FECCI - Lettere O-Z, - Lettere O-Z*

**SUGGESTED BIBLIOGRAPHY**

- In alternativa

AAVV, *Tempi del diritto. Età medievale, moderna, contemporanea*, 2 edizione, Torino, Giappichelli, 2018, capp. 1-3

A. Padoa Schioppa, *Storia del diritto in Europa. Dal medioevo all'età*

*contemporanea*, Bologna, Il Mulino 2007, parte I-III

- E. Dezza, *Lezioni di Storia della codificazione civile. Il Code Civil (1804) e l'Allgemeines Bürgerliches Gesetzbuch (ABGB, 1812)*, Torino, Giappichelli, 2000.

- Un testo a scelta:

S. Feci, L. Schettini (a cura di), *La violenza contro le donne nella storia. Linguaggi, contesti e politiche del diritto (secc. XVI-XXI)*, Roma, Viella, 2017.

S. Bartoloni (a cura di), *Cittadinanze incomplete. La parabola dell'autorizzazione maritale*, Roma, Viella, 2021

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<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
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)
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**MODULE**  
**HISTORY OF MEDIEVAL AND MODERN LAW - MODULE II**

*Prof.ssa SIMONA FECCI - Lettere O-Z, - Lettere O-Z*

**SUGGESTED BIBLIOGRAPHY**

- In alternativa

AAVV, *Tempi del diritto. Età medievale, moderna, contemporanea*, 2 edizione, Torino, Giappichelli, 2018, capp. 1-3

A. Padoa Schioppa, *Storia del diritto in Europa. Dal medioevo all'età*

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S. Feci, L. Schettini (a cura di), *La violenza contro le donne nella storia. Linguaggi, contesti e politiche del diritto (secc. XVI-XXI)*, Roma, Viella, 2017.

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