# History of Medieval and Modern Law

## Prof. Stefano Solimano

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course aims to introduce students to the study of the juridical phenomenon from a diachronic perspective over a period of nine centuries. The course also aims to highlight, for the purposes of a complete and aware training of the jurist, the key role of the *scientia iuris* in the context of the millenary legal experience of the Western world. Finally, the course aims to help students understand the extensive and therefore complex nature of the interpreter/judge/law relationship.

At the end of the course, students will know and appreciate the historical development of law from the Middle Ages to the Modern Age, by identifying the elements of continuity and fracture that characterise it, they will also be able to perform independent assessments regarding the politics and trends of contemporary law.

***COURSE CONTENT***

The issue of justice in Western legal culture.

Law and values in the training of modern jurists.

Birth and development of Western legal studies.

The 'legal renaissance': the meaning of *interpretatio* in the mental universe of medieval jurists (XI-XIV centuries).

The university crisis and the pragmatisation of common law.

Legal humanism.

The practice of the great European courts.

The natural law doctrines and their impact on the process of codification: from Grotius to members of eighteenth-century rationalism.

Towards a State law: from the *Ordonnances* of Luigi XIV to the Modena constitutions (1771).

English legal experience.

***READING LIST***

AA.VV., *Tempi del diritto*, Giappichelli, Torino, 2018, pp. 1-199.

A. Cavanna, *Storia del diritto moderno in Europa. Le fonti e il pensiero giuridico* I, Milano Giuffrè, unaltered reprint, only the following pages: 190-390; 479-610.

Attending students will be provided with the reading list during the course.

***TEACHING METHOD***

Lectures, with some possible in-depth seminars.

***ASSESSMENT METHOD AND CRITERIA***

The final exam is oral and will focus on the topics specified in the Syllabus. The exam assessment will be based on: 1. the critical assimilation of the contents; 2. the ability to make connections between the different parts of the course contents; 3. presentation skills and command of the language.

***NOTES AND PREREQUISITES***

Since this is an introductory course, there are no content-related prerequisites for attending it.

*In case the current Covid-19 health emergency does not allow frontal teaching, remote teaching will be carried out following procedures that will be promptly notified to students.*

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.