# Ius commune or Middle age Law

## Prof. Roberto Isotton

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

The course, which is divided into three parts (general, single-subject, and seminar), aims to provide students with a detailed picture of medieval legal experience and direct knowledge of its sources. In particular, the single-subject and seminar parts will be dedicated to the reconstruction of the lines of the historical development of criminal law and procedure in the medieval and modern age. At the end of the course, students will have acquired a more consolidated and aware understanding of the characteristics and essential lines of development of the *ius commune*, and will be able to read and interpret the texts that constitute its foundation.

***COURSE CONTENT***

General part

Common law: the evolution of a semantic field between ancient times and the Middle Ages.

*Ius commune* and *ius proprium*: sources and their reciprocal relationships.

*Interpretatio*: concept, tools, and function.

*Aequitas* and *Aequitas canonica*.

Single-subject seminar part

The criminal law and procedure from the early Middle Ages to the early modern age

Seminar part

The figures of experience: an "in the field" verification.

***READING LIST***

For non-attending students:

M. Bellomo, *L' Europa del diritto comune. La memoria e la storia*, Euno Edizioni, Leonforte 2016 (o edd. Succ.), limitatamente ai capp. II, III, V, VI, VII (per quest’ultimo, solo i §§ 1-6) e all’Appendice.

Single-subject part

E. Dezza, *Lezioni di storia del processo penale*, Pavia Universtity press, Pavia 2013 (freely available on the site <http://purl.oclc.org/paviauniversitypress/dezza_lezioni-spp_2013> ), limited to chaps. 1, 2, 3, 7 and 8 (for the latter, only §§ 2-5)

M. Sbriccoli, *Storia del diritto penale e della giustizia. Scritti editi e inediti (1972-2007)*, Giuffrè, Milano 2009 (freely available on the site www.quadernifiorentini.eu/biblioteca/088/volume.pdf ): *two* essays chosen from nos. 1, 3, 4, 5, 8, 9.

For attending students:

Lecture notes supplemented by the material provided by the lecturer.

***TEACHING METHOD***

Classroom lectures.

***ASSESSMENT METHOD AND CRITERIA***

The exam will be different for attending and non-attending students.

Attending students will take the oral exam on the materials made available by the lecturer during lectures on the *Blackboard* platform.

Non-attending students will take the oral exam on the programme included in the guide of the degree course in Law, following the reading list indicated therein.

For attending students, the exam will consist of a structured interview on a question relating to the general part of the course, as well as the reading and analysis of a text relating to the single-subject seminar part. For non-attending students, the exam will be organised around two questions, aimed at testing the students’ acquisition of the course contents.

For all students, the assessment will be based on the ability to identify the conceptual links between the different topics covered, as well as the aptitude to expose the subject in a consistent, reasoned and terminologically appropriate way.

***NOTES AND PREREQUISITES***

The History of Modern Medieval Law exam is preparatory to the Common Law exam.

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.