# History of Modern and Contemporary Law

## Prof. Saverio Gentile

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

The course aims to analyse the historical evolution of the European – and, more in general, the Western – legal system between the 19th and the 20th century, with a focus on the most significant Constitutions and Codes.

At the end of the course, students will be able to describe the historical origins of the different European legal systems and the contexts of the evolution of the current continental legal system. Furthermore, thanks to the study of the most relevant legal texts, they will be able to identify the different philosophical and political options that inspired them. In this way – after becoming familiar with the key role played by legal experts in every historical period – students will be able to carry out a critical analysis of contemporary challenges.

***COURSE CONTENT***

The reforms of 1700.

The creation of the legal systems charactering the 19th and the 20th century: Constitutions and Codes.

Constitutionalism (the French, the British/American, and the Italian scenario).

The codification of civil law in France and Austria.

The historical evolution of the Italian legal system: from the Codes of the Restoration period to the Constitution of the Italian Republic.

***READING LIST***

For non-attending students:

A. Cavanna, *Storia del diritto moderno in Europa. Le fonti e il pensiero giuridico*, 2, Giuffrè, Milan 2005, only p. 33-68; 71-115; 253-291; 395-473; 515-616.

M. Fioravanti, *Appunti di storia delle codificazioni* *moderne. Le libertà fondamentali*, Giappichelli latest available edition (students will have to study the whole textbook).

For attending students:

Lecture notes and the teaching material indicated by the lecturer.

***TEACHING METHOD***

Frontal lectures.

***ASSESSMENT METHOD AND CRITERIA***

-   Attending students: a written interim test after the first part of the course, followed by an oral exam at the end of the second part of the course. The mark obtained in the interim test will be valid for one year. The final mark, instead, will result from the average between the interim test and the oral exam, and it will be expressed in thirtieths. In case of negative mark in the interim test, students will have to take the oral exam at the end of the course (based on the topics explained during the whole duration of the course).

-  Non-attending students: an oral exam at the end of the course, based on the reading list mentioned above.

Assessment criteria: knowledge of the topics explained during the course, ability to make a clear and coherent presentation, and use of appropriate terminology.

***NOTES AND PREREQUISITES***

In order to attend this course and be admitted to the final exam, students will have to pass the *History of Medieval and Contemporary Law* exam.

Information on office hours available on the teacher's personal page at http://docenti.unicatt.it/.