

Italian code: IUS/19 (old) – GIUR-16-A

Credits: 14

Course: History of medieval and modern law

Main language of instruction: Italian

Other language of instruction: English

Head instructor

Professor Alessandro BUCCI - alessandro.bucci@unicusano.it

Objectives

Concept and definition of History of medieval and modern law.

The sources of History of medieval and modern law.

Systems of relations between the State and Confessions in the Italian legal experience.

The institutional religious freedom: the State and the Catholic Church.

The institutional religious freedom: the State and the religious Confessions. The

agreements with those Confessions that are different from the Catholic one. The law on the allowed cults.

Religion and education: denominational schools and the teaching of religion.

The medieval ecclesiastical entities.

The government of the Catholic Church and the Central Authorities of the Church.

The medieval ecclesiastical heritage .

Course structure

The course of History of medieval and modern law is organized according to the e-learning and includes 'erogative' and 'interactive' teaching

Competencies

A. Knowledge and understanding:

The teaching of the course History of medieval and modern law aims on the evolution of the process and its ontological reality in the European legal tradition, looking with particular attention to the Italian procedural legal tradition, which it attempts to compare with the canonical legacy on the one hand and the common law legal experience on the other. This course will focus on introduction about a basic knowledge of religious freedom in its triple institutional, individual and associative

perspective. Moreover, the understanding of the religious fact in the Italian order in order to contribute to the formation of the jurist; the ability to understand the role and the perspective of the Catholic Church on the international scene.

B. Applying knowledge and understanding:

- apply knowledge and understanding skills in the expression of the notions, categories and institutes of ecclesiastical law
- acquire a conscious autonomy of judgment with regard to the understanding and interpretation of normative sources and jurisprudence
- Acquisition of the vocabulary and of the general and specific technical-legal language of History of medieval and modern law
- Acquisition of skills for the adaptation of knowledge in relation to the variability of the legal and jurisprudential framework
- Understanding the evolution of Church-State relations in Italy. Understanding the phenomenon of multiculturalism and its impact on the legal reality fully.
- Understanding the key issues underlying the right to religious freedom.
- Communicating the acquired knowledge in a comprehensive and convincing way, demonstrating also to have developed the necessary skills to independently investigate the matter.
- Understanding and demonstrating knowledge of the fundamental institutions of the Italian History of medieval and modern law

C. Making judgements:

The student shall be able to make accurate judgments on private law issues and to solve problems using relevant information, applying the appropriate methods.

D. Communication skills:

The student shall be able to express legal concepts and notions with argumentative ability, to work in another language and to explain legal problems with the right technical language.

E. Learning skills:

The student shall prove to have understood the importance of the autonomy of the individual in the development of History of medieval and modern law and to have acquired skills for independent learning.

Syllabus

- Subject 1. Memento
- Subject 2. General introduction to the course
- Subject 3 An introduction to *utrumque ius*
- Subject 4 The *utrumque ius*
- Subject 5 Distant Roots: General Introduction to the Common Concept of *Res*
- Subject 6 *Utrumque ius* and the Romanistic experience
- Subject 7 Formation of the legal concept of "thing"
- Subject 8 Relationship between common law and *utrumque ius*
- Subject 9 The canonical collections and corpus iuris
- Subject 10 From the Council of Trent to the Modern Age
- Subject 11 The Process - On the historical development of the idea of process
- Subject 12 The Process - (continued): Roman-canonical mediation
- Subject 13 The Process - (continued) Pandectic reflection
- Subject 14 The Process - (continued) Giuseppe Chiovenda's reflection
- Subject 15 The Process - (continued) Francesco Roberti's reflection
- Subject 17-22 Equity law and *aequitas canonica* in the history of medial law in England
- Subject 23 The Process - (continued) General conclusions to the Course

Evaluation system and criteria

The course ends by a final examination **in Italian**, which will evaluate understanding, assimilation, mastery of private law basic concepts, their interactions and correlations as well as the proper use of appropriate legal terminology.

The format of this examination could be oral or written:

- the oral exam consists of an oral interview in front of the committee with a minimum of three questions, which will affect the entire course programme;
- the written exam consists of a written examination in which the student should answer to thirty ended-questions to be answered from a choice of three.

Bibliography and resources

1. Materials to consult

A. BUCCI, *La vicenda giuridica dei beni ecclesiastici della Chiesa*, con prefazione di S. Em.za Card. F. COCCOPALMERIO [Collana Studia et documenta Utriusque Iuris, vol. I], Volturnia Edizioni, Roma 2012, limitatamente al primo capitolo, pp. 1-93.

A. BUCCI, *Diritto della Chiesa e diritto dello Stato nel divenire dell'atto processuale. Un approccio storico giuridico alle attuali prospettive*, [Collana Studia et Documenta

–vol. V– Academia Historico Iuridico-Theologica Petrus Tocănel], Ed. Serafica, Iași
2003.