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FONTES

FOstering iNnovative Training
in the use of European legal Sources

TRAINING CURRICULUM

FONTES

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use of European legal Sources



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Table of contents

Introduction	2
0.1. Objectives	3
0.2. Training program	5
 Section 1: Intensive Study Programs	7
1.1. Presentation and guidelines	8
1.2. Report on our experience	9
1.2.1. 1 st ISP – Paris 2023	9
1.2.2. 2 nd ISP – Palermo 2024	10
Annex 1. 1 st ISP – Paris 2023: Materials	12
Annex 2. 2 nd ISP – Palermo 2024: Materials	19
 Section 2: Master's Courses	38
2.1. Presentation and guidelines	39
2.2. Report on our experience	41
2.2.1. <i>Struttura e funzione delle fonti giuridiche medievali e moderne</i> at the University of Palermo (a.y. 2022-23)	41
2.2.2 <i>Struttura e funzione delle fonti giuridiche medievali e moderne</i> at the University of Palermo (a.y. 2023-24)	43
Annex 3. <i>Struttura e funzione delle fonti giuridiche medievali e moderne</i> a.y. 2022-23): Teaching Materials	46
Annex 4. <i>Struttura e funzione delle fonti giuridiche medievali e moderne</i> (a.y. 2023-24): Teaching Materials	60
 Section 3: E-learning Courses	85
3.1. Presentation	86
3.2. Titles and abstracts of video-lectures	87
3.3. Tutorials	97



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INTRODUCTION



0.1. Objectives

The last few decades have witnessed a significant increase of interdisciplinary studies in the social sciences. In historically oriented studies, it is nowadays increasingly common – often, a sheer necessity – to integrate a variety of sources coming from different academic subjects. The great wealth of legal documents attested across medieval and early modern Europe is crucial to the understanding and the preservation of our cultural heritage. In laying out the rules followed within a society, and the rationale for such rules, legal documents are vital for the study of the development of a society and its functioning. Ancient written legal sources are thus an invaluable source of information for any student of the Middle Ages in Europe, no matter their specific interest (be it social, institutional, economic, legal, etc.) and their background (coming from History, Economics, Law, or other faculties). It is small wonder that legal sources have soon attracted the attention of interdisciplinary studies: there is little – if anything at all – that is not affected by the rules governing a given society. This way, these ancient legal sources, previously the near-exclusive remit of legal historians, have now become a treasure-trove of information for any kind of historical study.

The digitisation of many thousands of manuscripts has made those sources available to anyone, anywhere. Software are currently being programmed to recognise and transcribe medieval characters, thereby widening even further the number of users of those legal sources. Despite the growing demand for medieval legal texts and



the fast-developing technologies to make them easily accessible, however, there is a very significant problem: the number of people able to understand those sources is dwindling, and academic works currently in use to understand ancient legal sources have been written around a century ago or even more, thereby skipping altogether all progress made with the digital humanities. Specific training is indeed required to access these legal sources, a training on several levels, from the specific writing style used to the structure of the sources, as well as to their specific context. This training was nowhere to be found, unless students were lucky enough to have mentors who are specialists in the field. But the ability of untapping the great wealth of documentary evidence preserved across Europe should not be the product of sheer chance. Rather, it should be encouraged and fostered with a specific training curriculum: this is exactly what FONTES aimed to do. With the training curriculum developed in this programme, humanities students with an interest in history have been able to access, understand and, therefore, make the most of ancient legal documents, whatever the purpose of their research. At the same time, however, not enough educators, teachers and researchers are able to take full advantage of what the digital humanities can offer today to improve the learning experience of their students. This is another reason why the study of ancient sources tends to be marginalised in higher education curricula, even at higher levels (master's and doctorates) within history-related disciplines. FONTES's training curriculum intended to fill this gap as well, by integrating the digital humanities into its teaching



programme, exploiting the intuitive nature of many digital solutions, so as to simplify the learning process and therefore make the task of both teachers and learners easier.

0.2. Training Program

The program we have developed is articulated in three different formats: (1) Intensive Study Programs (hereinafter ISPs), (2) Master's courses, (3) E-learning courses.

As regards (1), we have designed and implemented two 4-days ISPs on medieval and early modern legal sources, one at the École des Hautes Études en Sciences Sociales in Paris (FRA) and one at the University of Palermo (ITA). Section 1 contains general guidelines and suggestions for the development of similar events, together with a report on our experiences. Annexes 1 and 2 contain teaching materials (call and program, information on participants, satisfaction questionnaires) for both the 1st ISP at the École des Hautes Études en Sciences Sociales (Annex 1) and the 2nd ISP at the University of Palermo (Annex 2).

With regard to (2), we have designed and implemented two teaching courses in legal history, specifically dedicated to the understanding and use of medieval and early modern legal sources, partly in Italian and partly in English. Each course amounted to 6 ECTS, for a total



of 150 working hours per course, of which 48 were dedicated to lecture-based instruction. Both courses took place at the University of Palermo (ITA), in the 2023 and 2024 spring semesters.

Section 2 contains general guidelines and suggestions for the development of similar courses, together with a report on our experiences. Annexes 3-4 contain teaching materials such as Preliminary Needs Assessment Questionnaires and Syllabus, as well as examples of assessment activities and Feedback Questionnaire for the 2024 course on Medieval and early modern legal sources (Annex 4).

As regards (3), we have recorded and made freely available online (<https://fontes.project.uj.edu.pl/fontes-resources>) three series of video lectures on the topics of the project. Section 3 contains a presentation of what we have done, together with the full list of the lectures and tutorials, including samples of self-evaluation tests.

We strongly hope, and shall endeavour in the future, that our experience will inspire further attempts in the direction which we have begun to explore.



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SECTION 1

Intensive Study Programs



1.1. Presentation and guidelines

The first format of the training was an Intensive Study Program on medieval and early modern legal sources (ISP). As described in the application, we have realised two editions of the ISP, the first at the École des Hautes Études en Sciences Sociales (on site, 7th February – 10th February 2023) and the second at the University of Palermo (on site, 6th February – 9th February 2024). A brief report of both experiences (§ 2.2) and the relevant materials is included below (Annexes 1 and 2). In this paragraph, we shall limit ourselves to some general remarks and guidelines.

- (1) The ISP format was highly effective, though we felt that a longer duration (i.e., a weeklong course) might benefit both students and teachers.
- (2) In designing the ISPs, we maintained the division into four thematic units, each exposing students to different types of sources: normative texts, doctrinal writings, and records from legal practice. This variety allowed students to appreciate the distinct purposes and contexts of each document type, helping them develop a nuanced understanding of how medieval and modern legal traditions were shaped through both theory and practice.
- (3) As regards methodology, we suggest increasing the amount of participatory, ‘learn by doing’ learning. While workshop



sessions were included in the program, many students expressed a desire for more hands-on activities, a preference echoed by most trainers. This approach allows students to engage more actively with the material provided, applying theoretical concepts in practical contexts, so as to enhance comprehension and retention.

1.2. Report on our experience

1.2.1. 1st ISP – Paris 2023

For internal organizational reasons, in accordance with the Agency, we decided to hold the first ISP in Paris instead of Palermo, in February 2023 (7th February – 10th February 2023).

The results were generally positive also thanks to the requirement for in-person participation.

The total number of participants was 37, of which 18 were internal to the Consortium (10 staff and 8 learners) and 19 were external (16 learners and 3 invited teachers).

As it was the first ISP, we decided not to distribute feedback questionnaires: given the need to refine and repeat the event the following year, we considered it more effective to gather impressions



and suggestions through an oral debriefing conducted immediately after the conclusion of the Intensive Study Program. In this more informal and highly productive format we requested and assessed, individually, the participants' satisfaction with regard to the organization of the event, the location, the contents and the teaching methods. The overall impression was excellent, as the course generally met the participants' expectations.

1.2.2. 2nd ISP – Palermo 2024

The second ISP in Palermo took place from 6th February to 9th February 2024, in person. It was a wonderful opportunity for joint work and exchange of ideas.

The total number of participants was 29, of which 20 were internal to the consortium (15 staff and 5 learners) and 9 were external (4 staff and 5 learners).

For this second ISP, we chose to distribute a feedback questionnaire, as we had already gained the necessary information to fine-tune the event after the first ISP held in Paris the year before.

The feedback from the students was very positive. 92,9% of participants said that the course met their expectations, while the remaining 7,1% said that it had even exceeded their expectations. In terms of organization, in a scale from 1 (very bad) to 5 (excellent), all



of them deemed the location suitable for the course. In a scale from 1 (very bad) to 5 (excellent), 71,4% of participants gave an evaluation of 5 for their satisfaction with the course, while the remaining 28,6% gave an evaluation of 4. As regards the teaching methods, 57,1% of the participants said they would find useful more interactive teaching methods. When asked whether they would recommend that teachers read more firsthand sources, 35,7% of participants said yes, 35,7% said no, and the remaining 28,6% were uncertain. Interesting results were observed regarding the language deemed appropriate for the course: while 42,9% said English was the best choice, a notable 57,1% indicated that English, French, and Italian were equally suitable.



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ANNEX 1

1st ISP – Paris 2023

(a) Poster



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SOCIALES**

Leader of the Project



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DEGLI STUDI
DI PALERMO**

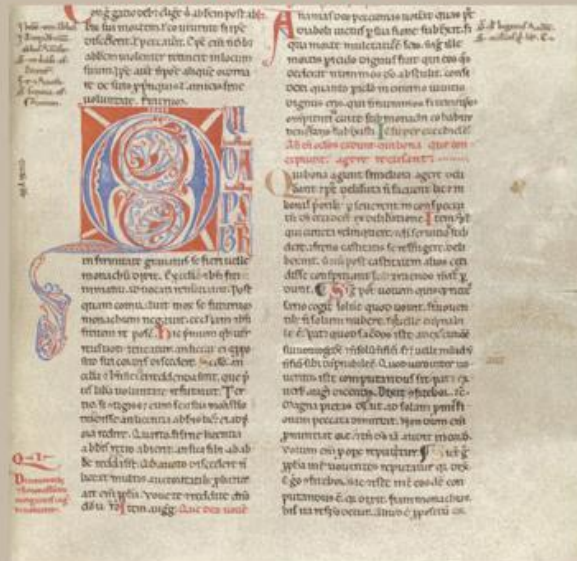


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DE GENÈVE**



**JAGIELLONIAN
UNIVERSITY
IN KRAKÓW**

Séminaire doctoral



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LE DROIT MÉDIÉVAL SOURCES ET MÉTHODES

7-10 février 2023

Campus Condorcet

Centre de colloques
Place du Front Populaire
Aubervilliers



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ANNEX 1

1st ISP – Paris 2023

(b) Program



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Intensive Study Program 1

Paris, 7th February 2023 – 10th February 2023

Tuesday, 7th February 2023

Welcome

Introduction of the participants

General introduction

Wednesday, 8th February 2023

Morning

h 9 Paolo Napoli (EHESS), *Normativité sociale et normativité juridique*.

h 11 Emanuele Conte (Roma Tre University, EHESS) and Corinne Leveaux (Université d'Orléans, EPHE), *Qu'est-ce qu'une source juridique?*

Afternoon

h 15 Guido Rossi and Beatrice Pasciuta (University of Palermo), *Typologie des sources juridiques*.

Thursday, 9th February 2023

Morning



h 9 Joanna Fronska (IRHT), Marta Cerrito and Anna Floris (University of Palermo), *Codicologie et paléographie*.

h 11 Raphael Eckert (University of Strasbourg), *les sources du droit canonique*.

Afternoon

h 15 Emanuele Conte (Roma Tre University, EHESS) and Marie Bassano (University of Toulouse), *Les sources du droit romain et le cas particulier de la littérature orléanaise*.

h 17 Maciej Mikula and Kacper Górski (Jagiellonian University Kraków), *Les sources juridiques en réseaux*.

Friday, 10th February 2023

h 9 Julie Claustre (Paris 1 Panthéon-Sorbonne University), *Les sources de la pratique (notariale, judiciaire)*.

h 11 Conclusions.



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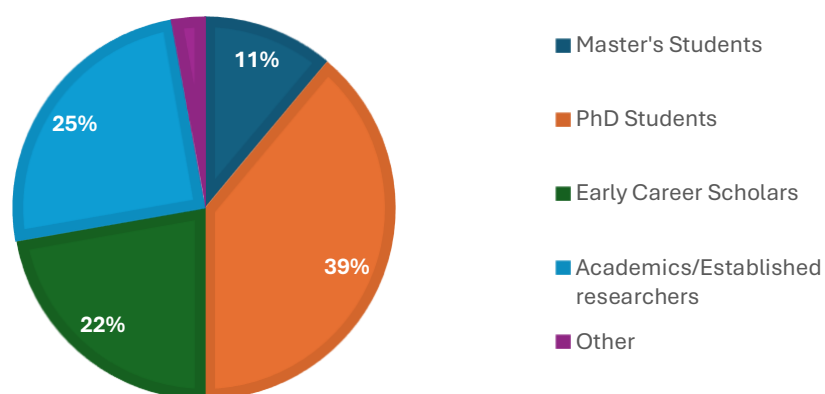
ANNEX 1

1st ISP – Paris 2023

(c) Participants' data



PARTICIPANTS' DATA



11% Master's Students

39% PhD Students

22% Early Career Scholars

25% Academics/Established Researcher



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ANNEX 2

2nd ISP – Palermo 2024

(a) Call



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FONTES – Intensive Study Program

Il diritto medievale. Fonti e Metodi.

6th – 9th February 2024

CALL FOR APPLICANTS

The intensive study course is organized in the context of Erasmus + KA2 ([FONTES – FOstering iNnovative Training in the use of European legal Sources](#)) (2021-1-IT02-KA220-HED-000032190)

The doctoral seminar brings together researchers from different parts of Europe to deliver seminars and hand-on workshops focusing on:

- What is a legal source
- Types of legal literature
- Codicology and palaeography of legal manuscripts
- Medieval civil and canon law sources
- Sources of the *ius proprium*

It features lectures by:

Paolo Napoli (École des Hautes Études en Sciences Sociales),
Emanuele Conte (Roma Tre University – École des Hautes Études en Sciences Sociales), Beatrice Pasciuta (University of Palermo),



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Guido Rossi (University of Palermo), David De Concilio (University of Padova), Joanna Fronska (Institut de Recherche et d'Histoire des Textes), Sonia Merli (University of Palermo), Francesca Potenza (University of Palermo), Orazio Condorelli (University of Catania), Roberto Imperia (University of Palermo), Ignazio Alessi (University of Geneva), Maciej Mikula (Jagiellonian University in Kraków), Marta Cerrito (University of Palermo).

Attendance is open to students, PhD students and early career researchers. If you are interested, please reach out to annamariagrazia.floris@unipa.it.



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FONTES - Intensive Study Program

IL DIRITTO MEDIEVALE. FONTI E METODI

6-9 FEBRUARY 2024

Call for applicants

The intensive study course is organised in the context of Erasmus + KA2 FONTES, Fostering iNnovative Training in the use of European legal Sources (2021-1-IT02-KA220-HED-000032190).

The doctoral seminar brings together researchers from different parts of Europe to deliver seminars and hand-on workshops focusing on:

- What is a legal source
- Types of legal literature
- Codicology and palaeography of legal manuscripts
- Medieval civil and canon law sources
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Attendance is open to students, PhD students and early career researchers. If you are interested, please reach out to annamariagrazia.floris@unipa.it.



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Programs



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ÉTUDES EN
SCIENCES
SOCIALES



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UNIVERSITY
IN KRAKÓW



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ANNEX 2

2nd ISP – Palermo 2024

(b) Program



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Intensive Study Program 2

Palermo, 6th February 2023 – 9th February 2024

Tuesday, 6th February 2024

Welcome

Introduction of the participants

General introduction

Wednesday, 7th February 2024

h 9,30 Beatrice Pasciuta (University of Palermo, PI FONTES), *Introduzione*.

h 9,45 Paolo Napoli (EHESS), *Normatività sociale e normatività giuridica*.

h 11,15 Emanuele Conte (Roma Tre University, EHESS), *Che cos'è una fonte giuridica?*

h 15 Beatrice Pasciuta and Guido Rossi (University of Palermo), *I Libri Legales*.

Thursday, 8th February 2023

h 9 Joanna Fronska (IRHT), *Introduction to medieval codicology*.

h 10 Sonia Merli (University of Palermo), *Le scritture delle fonti documentarie latine (secc. XI-XIII)*.



h 11 Francesca Potenza (University of Palermo), *Le scritture delle fonti documentarie greche (secc. XI-XIII)*.

h 15 Orazio Condorelli (University of Catania), *Introduzione alle fonti del diritto canonico medievale, con specifico riferimento al Decretum Gratiani*.

h 16 Vincenzo Roberto Imperia (University of Palermo), *Le decretali nel diritto canonico medievale*.

h 17 Ignazio Alessi (University of Geneva), *Il genere del tractatus nel diritto canonico medievale*.

Friday, 10th February 2023

h 9,30 Maciej Mikula and Kacper Górski (Jagiellonian University in Kraków), *Statutory sources in late medieval and early modern central Europe (the case of the kingdom of Poland)*.

h 10,30 Beatrice Pasciuta and Marta Cerrito (University of Palermo), *Le fonti giuridiche del Regnum Siciliae*.

h 11,30 Conclusioni.



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**DIPARTIMENTO DI
GIURISPRUDENZA
AULA "B. CELANO"**
**PIAZZA BOLOGNI, 8
90134 PALERMO**

MARTEDÌ 6 FEBBRAIO 2024

MERCOLEDÌ 7 FEBBRAIO 2024

GIOVEDÌ 8 FEBBRAIO 2024

VENERDÌ 9 FEBBRAIO 2024

IL DIRITTO MEDIEVALE. FONTI E METODI

ACCOGLIENZA

PRESENTAZIONE DEI PARTECIPANTI

INTRODUZIONE GENERALE

h 9.30 BEATRICE PASCIUTA Università di Palermo, PI FONTES

Introduzione

h 9.45 PAOLO NAPOLI Ecole des Hautes Études en Sciences Sociales

Normatività sociale e normatività giuridica

h 11.15 EMANUELE CONTE Università Roma Tre, Ecole des Hautes Études en Sciences Sociales
Che cos'è una fonte giuridica?

h 15.00 BEATRICE PASCIUTA e GUIDO ROSSI Università di Palermo

I Libri Legales

h 16.30 DAVID DE CONCILIO Università di Padova

Generi dialettici: quaestiones, distinctiones, brocardica

h 9.00 JOANNA FRONSKA Institut de Recherche et d'Histoire des Textes

Introduction to medieval codicology

h 10.00 SONIA MERLI Università di Palermo

Le scritture delle fonti documentarie latine (secc. XI-XIII)

h 11.00 FRANCESCA POTENZA Università di Palermo

Le scritture delle fonti documentarie greche (secc. XI-XIII)

h 15.00 ORAZIO CONDORELLI Università di Catania

Introduzione alle fonti del diritto canonico medievale, con specifico riferimento al Decretum Gratiani

h 16.00 VINCENZO ROBERTO IMPERIA Università di Palermo

Le decretali nel diritto canonico medievale

h 17.00 IGNAZIO ALESSI Université de Genève

Il genere del tractatus nel diritto canonico medievale

h 9.30 MACIEJ MIKULA e KACPER GÓRSKI Jagiellonian University in Kraków

Statutory sources in late medieval and early-modern central Europe (the case of the Kingdom of Poland)

h 10.30 BEATRICE PASCIUTA e MARTA CERRITO Università di Palermo

Le fonti giuridiche del Regnum Siciliae

h 11.30 CONCLUSIONI



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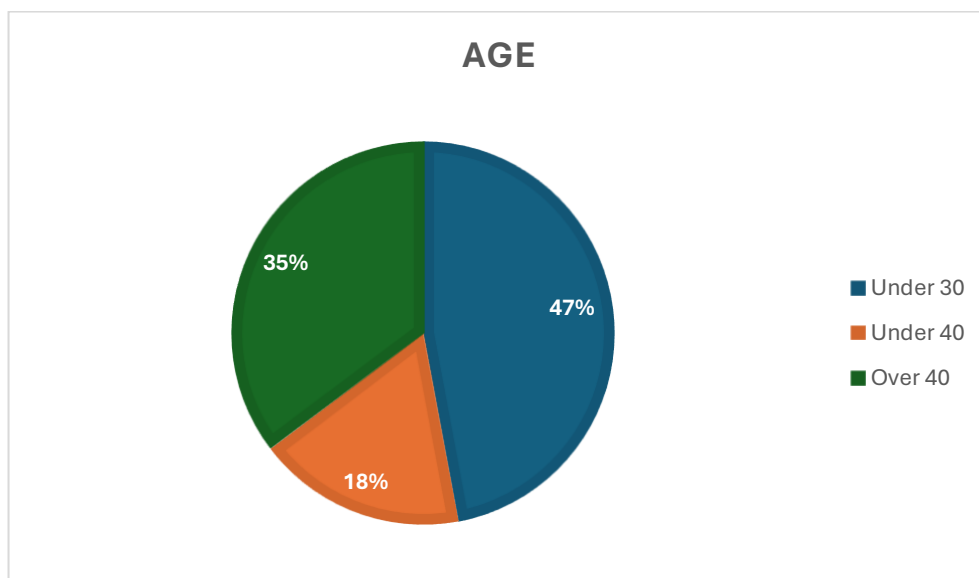
ANNEX 2

2nd ISP – Palermo 2024

(c) Participants' data



Answers: 17.



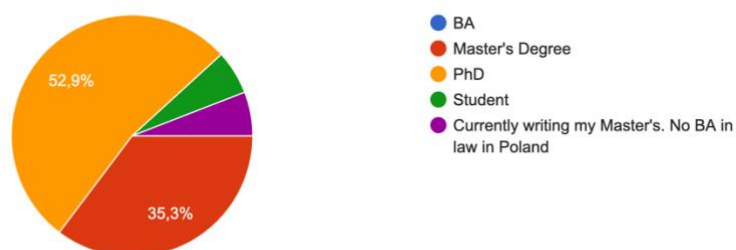
47% Under 30

35% Over 40

18% Under 40

Education

17 risposte





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Education of the attendants:

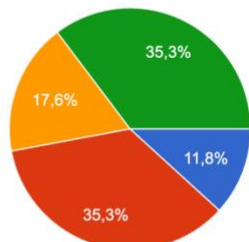
52,9% Hold a PhD

35,3% Hold a master's degree

11,8 % Master's students

Profession

17 risposte



- Student
- Doctoral Student
- Postdoctoral Researcher
- Researcher/Professor
- Librarian
- Archivist

Profession of the attendants:

35,3% Doctoral students

35,3% Researchers/Professors

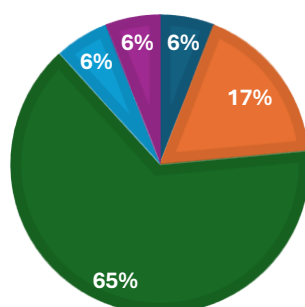
17,6% Postdoctoral researchers

11,8% Students



FIELD OF SPECIALISATION

Religious Studies
Legal History
Paleography
History (Medieval and Modern)
Italian Literature



65% Legal History

17% History (Medieval and Modern)

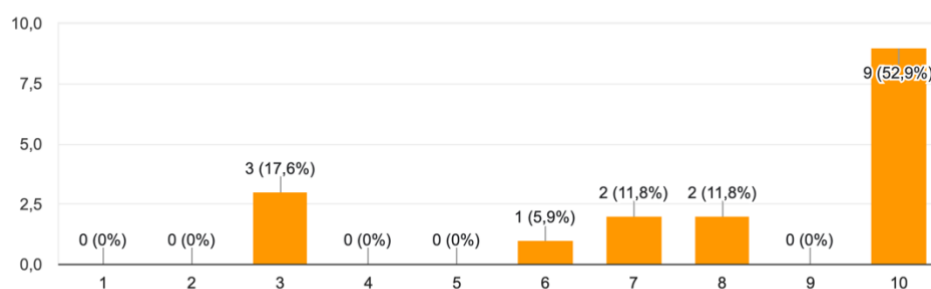
6% Italian Literature

6% Religious Studies

6% Palaeography

How often have you encountered legal sources in your studies?

17 risposte



What do you expect to learn from this course?

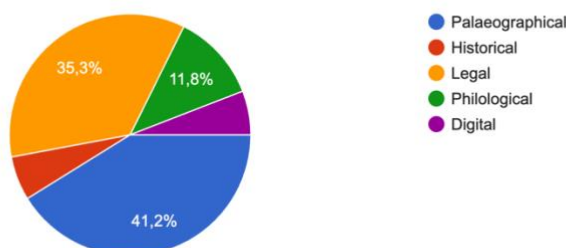
13 answers



- 1) More information on legal sources in general, so I'll have a good overview.
- 2) Practical knowledge concerning ius commune and western legal culture.
- 3) New skills & knowledge.
- 4) Panoramic of legal sources.
- 5) Bases and insights of european legal world.
- 6) Legal information.
- 7) Some practical knowledge concerning work with legal sources.
- 8) Skills that help to use the sources to make the most of them.
- 9) The fundamental techniques of orientation in the study of medieval law sources.
- 10) The effective and methodically correct use of legal sources as well as Italian Law and legal methodology.
- 11) Information concerning practice oriented sources.
- 12) Some notion to make more with legal sources.
- 13) To meet other researchers and see their methods.

What skills do you think are the most difficult to gain?

17 risposte





Most difficult skills to acquire, according to attendants:

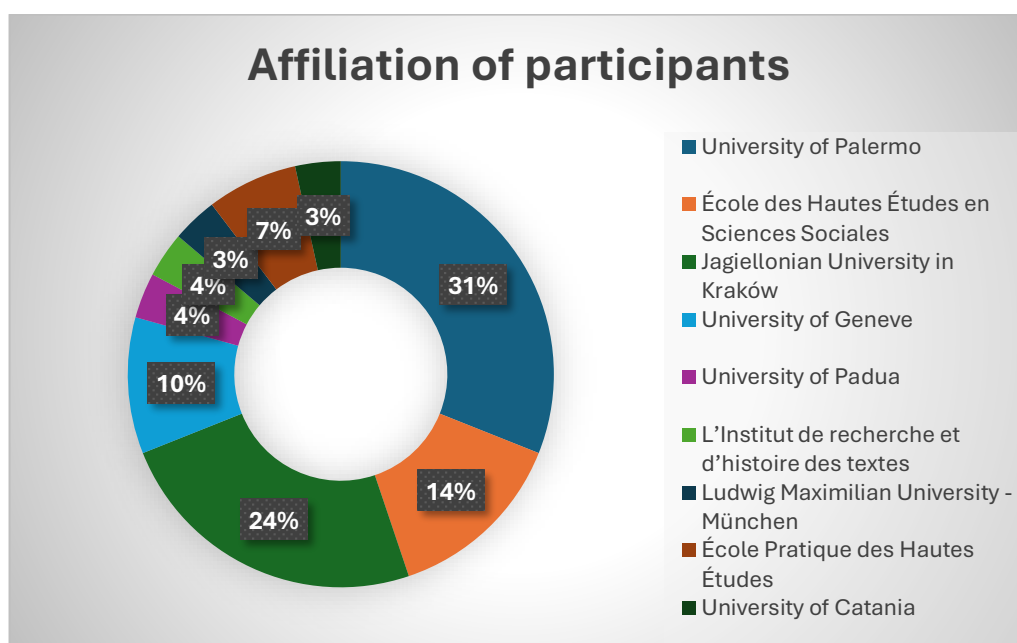
41,2% palaeographical

35,3% legal

11,8% philological

5,9% digital

5,9% historical



31% University of Palermo

24% Jagiellonian University in Kraków

14% École des Hautes Études en Sciences Sociales

10% University of Geneva

7% École Pratique des Hautes Études

4% University of Padua



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4% L’Institut de recherche et d’histoire des textes

3% Ludwig Maximilian University – München

3% University of Catania



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(d) Satisfaction questionnaire

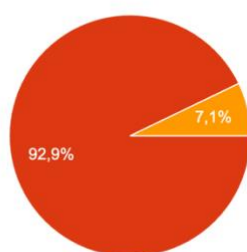


Final ISP evaluation

14 Answers

1. Did the course meet your expectations?

14 risposte



- No, it did not meet my expectations
- Yes, it met my expectations
- It exceeded my expectations

2. Was the location suitable for the purpose?

14 risposte

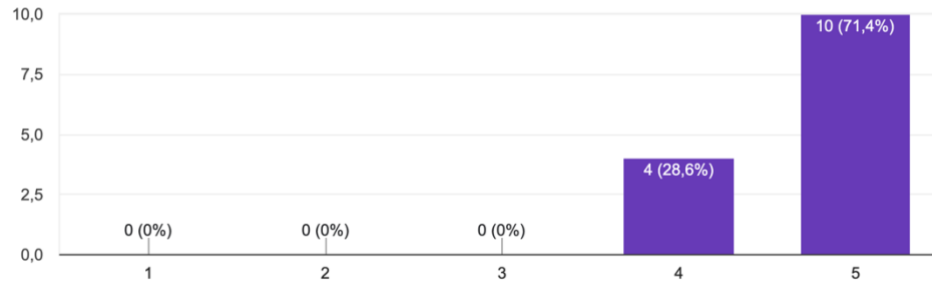


- Yes
- No
- Maybe



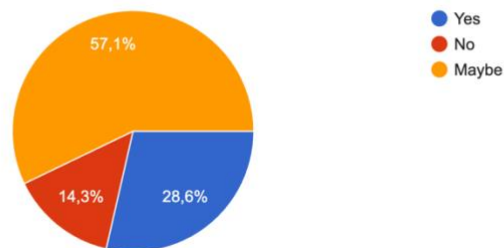
3. How satisfied are you with the course?

14 risposte



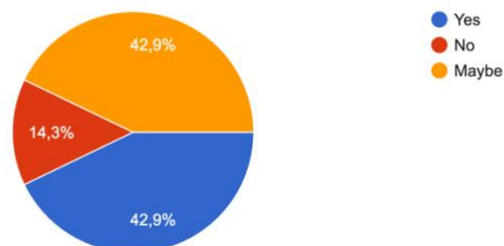
3. Do you think a more interactive teaching method might be useful?

14 risposte



4. Would you recommend having more practical classes?

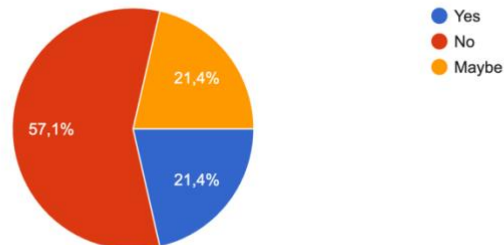
14 risposte





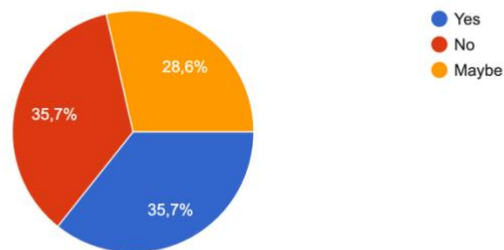
4. Would you recommend having more theoretical classes?

14 risposte



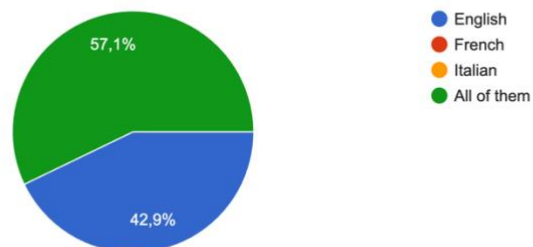
5. Would you recommend that teachers read more firsthand sources?

14 risposte



6. What language do you think is more appropriate for the course?

14 risposte





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SECTION 2

Master's courses



2.1. Presentation and guidelines

As a second format, we planned to realise a master's course, to be repeated twice (once in the 2023 spring semester, once in the 2024 spring semester). We have developed two versions of the course: *Struttura e Funzione delle Fonti Giuridiche Medievali e Moderne* (48 hours of lecture-based instruction, for a total of 150 working hours, corresponding to 6 ECTS), partly in Italian and partly in English, at the University of Palermo in 2023; *Struttura e Funzione delle Fonti Giuridiche Medievali e Moderne* (48 hours of lecture-based instruction, for a total of 150 working hours, corresponding to 6 ECTS), in Italian, at the University of Palermo in 2024. You can find below a more detailed version of our experience. Here, we shall limit ourselves to a few minimal guidelines and suggestions.

Broadly speaking, students showed significant interest in exploring medieval legal sources and the historical context of legal systems. They were especially drawn to understanding how these sources have shaped contemporary legal frameworks and the development of legal concepts over time. Interestingly, students expressed greater curiosity about the paleographical aspects of ancient legal sources than about more historically and legally oriented discussions. Topics that resonated most included (a) the study of handwriting and manuscript features in medieval legal sources and (b) the methods



used to interpret these sources across different regions and historical periods.

We recommend taking into account the students' strong interest in how medieval legal principles continue to influence contemporary legal thought. For example, starting with a historical analysis of medieval sources (e.g., statutes or doctrinal works) could lead to discussions on their enduring impact on modern legal interpretations and practices.

Regarding teaching methodology, we suggest emphasizing interactive learning approaches. This is particularly beneficial for a course like FONTES, as students are often unfamiliar with ancient legal sources and may initially find the material challenging. Interactive sessions, such as document analysis workshops and discussions on the historical context of medieval laws, can enhance engagement and comprehension.

In addition, we found it helpful to administer a preliminary survey to gauge students' prior knowledge and interest in ancient legal sources. This provided insight into areas that needed further emphasis and allowed us to tailor the course content more effectively to students' backgrounds and expectations. The model we have used is reported below, Annex 3.



2.2. Report on our experience

2.2.1. *Struttura e funzione delle fonti giuridiche medievali e moderne*, University of Palermo (2022-2023)

The FONTES course at the University of Palermo (lecturer: prof. Beatrice Pasciuta; URL: <https://www.unipa.it/persone/docenti/p/beatrice.pasciuta/>)

started in the spring semester of the academic year 2022-23, as part of the activities of the FONTES project. This is an optional course of 48 hours of lecture-based instruction (for a total of 150 working hours), corresponding to 6 ECTS. The course was repeated for the academic year 2023-24 as part of the FONTES project.

In terms of content, the course was divided into (a) an introductory part; (b) seminars on specific topics; (c) workshops.

We introduced students to the study of medieval legal sources, with a particular focus on understanding these texts through both paleographical and historical lenses. The introductory sessions, prepared by our team in Palermo, provided an overview of the key themes and methodologies central to the study of medieval law. These sessions aimed to establish foundational knowledge that students could build upon throughout the course.



Guest lecturers, each a specialist in their field, delivered seminars on specific topics related to medieval law and its sources. These seminars, delivered by both internal and external project trainers, covered a range of specialized topics: the characteristics of legal literature (Prof. Emanuele Conte, EHESS), the formation of the *Corpus iuris civilis* in the Middle Ages (Prof. Gero Dolezalek, University of Aberdeen), canon law and the *Corpus iuris canonici* (Prof. Silvia di Paolo, Roma Tre University), examples of *iura propria*, such as the statutes of the Italian communes, the laws of medieval Sicily and Sardinia (Prof. Sara Menzinger, Roma Tre University; Dr Marta Cerrito and Dr Anna Floris, University of Palermo), legal procedure in the Italian communal states (Prof. Massimo Vallerani, University of Turin), doctrinal dialectical sources, such as *quaestiones, commentaria and brocardica* (Dr. Sarah White, Lancaster University; Dr. David De Concilio, University of Padua; Prof. Rosalba Sorice, University of Catania), feudal law (Dr. Attilio Stella, University of Verona). The program of the seminars is included in Annex 3. The sessions sparked student interest in the multifaceted nature of medieval legal texts, encouraging a deeper appreciation for their complexity and relevance. Additionally, beginning on March 30, 2023, Dr. Anna Floris led practice-oriented workshops on legal paleography. In these sessions, students examined medieval manuscripts and early modern printed editions of legal texts, practicing reading and transcription techniques with progressively challenging material.

This combination of introductory lectures, expert seminars, and hands-on workshops enabled students to approach medieval legal



sources from multiple perspectives, fostering a comprehensive understanding of their enduring legacy.

For the assessment, we held a final discussion session with all the course students. On that occasion, we were also able to gather oral feedback that was essential to fine-tune our course for the following year. The students achieved excellent results and gave us positive feedback, although they generally highlighted the need to reduce the number of guest speakers, to allow for more discussion time between instructors and students.

Below, in Annex 3, is the course's Syllabus.

2.2.2. Struttura e funzione delle fonti giuridiche medievali e moderne at the University of Palermo (2023-2024)

The FONTES course at the University of Palermo (lecturer: prof. Beatrice Pasciuta; URL: <https://www.unipa.it/persone/docenti/p/beatrice.pasciuta/>) took place in the spring semester of the academic year 2023-24, as part of the activities of the FONTES project. This is an optional course of 48 hours of lecture-based instruction, for a total of 150 working hours, corresponding to 6 ECTS. The course constitutes a fine-tuning of the course delivered in the academic year 2022-23 as part of the FONTES project. Starting from the academic year 2024-25, Its success with the students has promoted a discussion aimed at



including it permanently in its teaching offer, both in class and through the digital platform FORTHEM, of which the University of Palermo is a partner.

In the academic year 2023-24, the course structure was confirmed but, following the students' feedback, the number of guest lectures was reduced to focus more on consolidating the knowledge and skills acquired by the students. Our aim was to provide less information but with greater quality.

Compared to the previous year's course, we had a longer introductory section, led by Prof. Beatrice Pasciuta and Prof. Emanuele Conte, followed by seminars on specific topics given by E. Conte (legal literature), Prof. Silvia di Paolo (sources of canon law), Prof. Sara Menzinger (sources of customary law: statutes), and Massimo Vallerani (procedure). Starting almost from the beginning of the course, Dr. Anna Floris guided practical exercises, which were given more space than in the previous year's course. The students were able to engage with reading prints and manuscripts of increasing difficulty, often working in groups. At the end of the course, we decided to assess the students through group presentations, each of about 20 minutes. Assigning each group a source, we asked them to read, understand, and contextualize it, while also providing a critical perspective. The result exceeded our expectations, as the students produced excellent work. In general, the course was very well received by students, who frequently expressed both the need and desire for more courses of this type, emphasizing the value of a participatory learning approach.



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Below, in Annex 4, the course's Syllabus and examples of the presentations prepared by the students may be found.



ANNEX 3

*Course in **Struttura e funzione delle
fonti giuridiche medievali e moderne**
(a.y. 2022/2023)*

a) Preliminary Needs Assessment



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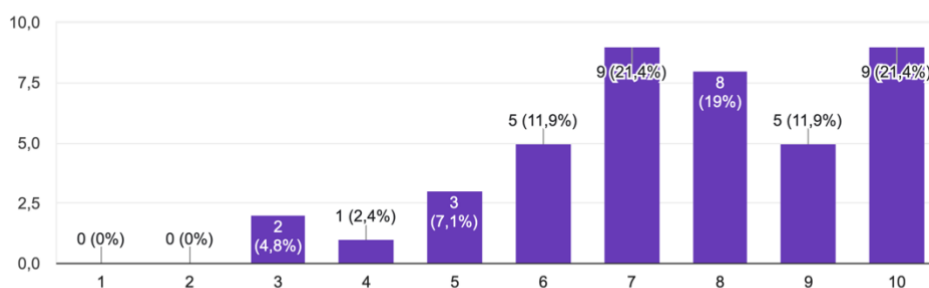
Number of answers: 42.

Age of participants: from 21 to 29 years.

Education: 38 hold a High School Diploma, 4 a Master's Degree.

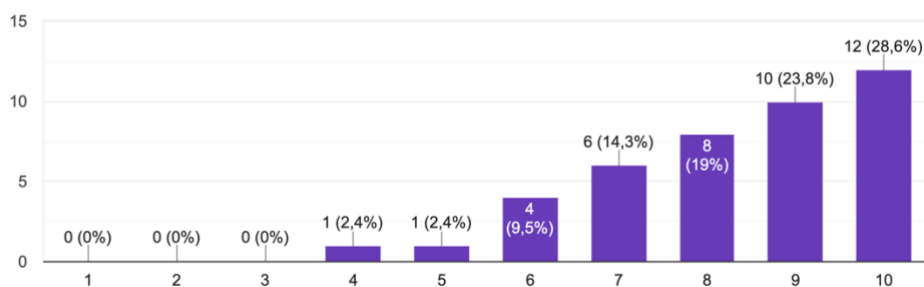
Quanto pensi che sia importante includere lezioni teoriche all'interno del corso?

42 risposte



Quanto pensi che sia importante prevedere esercitazioni di carattere pratico nell'ambito del corso?

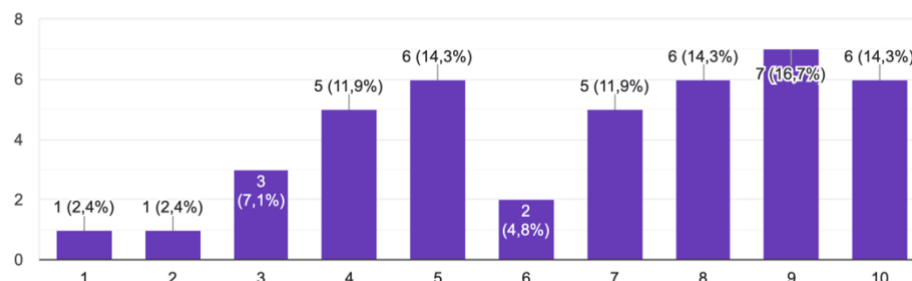
42 risposte





Quanto spesso ti sei confrontato con fonti giuridiche nel tuo lavoro o nel corso dei tuoi studi?

42 risposte



Che cosa ti aspetti di imparare dal corso?

1. Saper leggere i manoscritti
2. Lettura dei manoscritti storici
3. Le origini del diritto
4. Lettura testi antichi
5. Pratica
6. Lettura di un manoscritto
7. A confrontarmi con gli ordinamenti passati, conoscendone il funzionamento
8. Capacità di ricerche storiche
9. Imparare a leggere e conoscere le fonti antiche
10. Capacità logico-deduttive e di ricerca storiografica
11. Mi piacerebbe tanto imparare a leggere un manoscritto, al punto da acquisire padronanza e dimestichezza nel confrontare le fonti del nostro passato
12. Imparare a decifrare i manoscritti medievali
13. Sapermi approcciare praticamente alle fonti medievali
14. Leggere e tradurre le fonti giuridiche medioevali
15. Di sapere riconoscere e utilizzare le fonti giuridico medievali
16. Imparare a conoscere ed interpretare le fonti medioevali
17. Una maggiore comprensione delle fonti giuridiche
18. Arricchire il mio bagaglio culturale attraverso l'approfondimento di una disciplina che costituisce le fondamenta del nostro ordinamento giuridico odierno



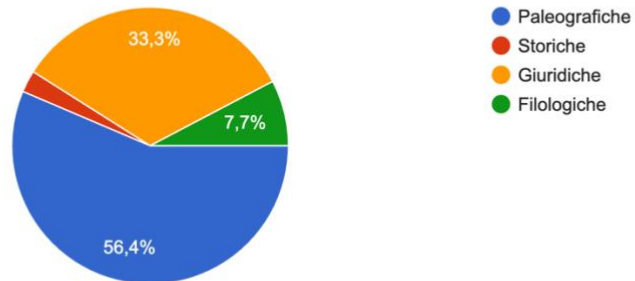
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Quali pensi che siano le competenze più difficili da acquisire?

39 risposte





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ANNEX 3

Course in *Struttura e funzione delle fonti giuridiche medievali e moderne* (a.y. 2022/2023)

b) Syllabus



COURSE DESCRIPTION FOR *STRUTTURA E FUNZIONE DELLE FONTI GIURIDICHE MEDIEVALI E MODERNE*

ELECTIVE COURSE, A.Y. 2022/23, 2nd SEMESTER

Teaching and Enrollment

In the second semester of the 2022/23 academic year, the course titled *Struttura e Funzione delle Fonti Giuridiche Medievali e Moderne* will be taught by Prof. Beatrice Pasciuta. The course is linked to the European project FONTES: *FOstering iNnovative Training in the use of European legal Sources* (<https://fontes.project.uj.edu.pl>), coordinated by Prof. Beatrice Pasciuta and in which the University of Palermo is the leader.

The course is elective for all three concentration tracks (“Profili”) in the five-year law degree program and can be included in your curricular plan of study starting from the third year. Fifth-year students can enroll via the regular procedure, while third- and fourth-year students must submit a *modulo navetta* (“shuttle form”) to Ms. Teresa Affatigato (teresa.affatigato@unipa.it) between January 1 and February 28, 2023.

The course can accommodate no more than seventy students, and it will launch regardless of whether the minimum enrollment threshold of ten students is met, given its link to the FONTES project.



Contents

This course provides an in-depth exploration of medieval and early modern legal sources, focusing on their historical and institutional contexts as well as the methodologies required for their analysis. Designed as a hands-on learning experience, the course is centered on the practical skills necessary to read, interpret, and contextualize legal sources.

Key topics include: - the nature of medieval and early modern legal sources: theory, typology, and materiality; - the development of the *Ius commune* and its interaction with local laws; - the legislative practices of emerging powers in the 13th–15th centuries; - legal practice and its documentation in medieval and early modern societies.

Students will engage with diverse source types, including legal manuscripts and early printed texts, exploring their paleographic and historical features. Lectures will be complemented by interactive workshops where students analyze original sources under the guidance of the teaching team.

Teaching Approach

This course employs participatory learning, fostering active engagement and critical thinking. Students will: - participate in workshops to develop hands-on skills in legal paleography and historical analysis; - work collaboratively on group projects to read,



interpret, and contextualize selected sources; - engage in guided discussions to deepen their understanding of historical and institutional frameworks.

The course also features numerous guest lectures by leading scholars from various European Universities, offering students diverse perspectives on the study of legal history.

Mid-term assessment

Students' performance will be assessed continuously through their participation in workshops, group projects, and class discussions. Active participation is highly encouraged, as it forms the basis for evaluation.

For further details, please contact:

Prof. Beatrice Pasciuta

Department of Law

University of Palermo

beatrice.pasciuta@unipa.it



DIPARTIMENTO	Giurisprudenza
ANNO ACCADEMICO	2022/2023
LAUREA MAGISTRALE A CICLO UNICO	Giurisprudenza
MATERIA	Struttura e Funzione delle Fonti Giuridiche Medievali e Moderne
CODICE	22639
NUMERO DI MODULI	1
SETTORE SCIENTIFICO-DISCIPLINARE	IUS/19
DOCENTE RESPONSABILE	Pasciuta Beatrice
ALTRI DOCENTI	
CFU	6
ORE DI LEZIONE FRONTALE	48
PROPEDEUTICITÀ	
MUTUAZIONI	
ANNO DI CORSO	3-4-5
PERIODO DELLE LEZIONI	Secondo Semestre
FREQUENZA	Facoltativa
VALUTAZIONE	In trentesimi
ORARIO DI RICEVIMENTO STUDENTI	Pasciuta Beatrice Mercoledì, ore 10-12 Dipartimento di Giurisprudenza, Via Maqueda 172, ex. sez. Storia del diritto, I piano.

DOCENTE: Prof. Beatrice Pasciuta

PREREQUISITI	Adeguate conoscenza delle nozioni generali della storia medievale, moderna e
--------------	--



	contemporanea così come dei principali concetti giuridici.
RISULTATI DI APPRENDIMENTO ATTESI	Conoscenza e capacità di comprensione: • conoscenze e capacità di comprensione nel campo di studi di livello post secondario della disciplina, caratterizzato dall'uso di libri di testo avanzati; conoscenza di alcuni temi d'avanguardia nel proprio campo di studi; Capacità di applicare conoscenza e comprensione: • applicare conoscenze e capacità di comprensione nel campo della disciplina in maniera da dimostrare un approccio professionale, possedere competenze adeguate sia per ideare e sostenere argomentazioni che per risolvere problemi nel proprio campo di studi; Abilità comunicative: • comunicare informazioni, idee, problemi e soluzioni a interlocutori specialisti e non specialisti nel campo della disciplina; Autonomia di giudizio: • capacità di raccogliere e interpretare i dati nel campo della disciplina ritenuti utili a determinare giudizi autonomi, inclusa la riflessione su temi sociali, scientifici o etici ad essi connessi;



	• capacità di apprendimento necessarie per intraprendere studi successivi con un alto grado di autonomia.
VALUTAZIONE DELL'APPRENDIMENTO	La prova orale consiste in un colloquio, volto ad accertare il possesso delle competenze e delle conoscenze disciplinari previste dal corso; la valutazione viene espressa in trentesimi. L'esaminando dovrà rispondere a minimo tre domande poste oralmente, su tutte le parti oggetto del programma, con riferimento ai testi consigliati. Le domande tenderanno a verificare: a) le conoscenze e la comprensione acquisite; b) le capacità elaborative, c) il possesso di un'adeguata capacità espositiva d) autonomia di giudizio. La valutazione avverrà in conformità alla seguente griglia di valutazione: - Esito eccellente 30-30 e lode: ottima conoscenza degli argomenti, ottima proprietà di linguaggio, ottima capacità analitica; lo studente è in grado di applicare le conoscenze teoriche a casi concreti di cui si propone la soluzione, ipotizzando anche alternative plurime.



	- Esito molto buono 26-29: buona conoscenza degli argomenti, buona proprietà di linguaggio, buona capacità analitica; lo studente è in grado di applicare in modo adeguato le conoscenze teoriche a casi concreti di cui si propone la soluzione. -Esito buono 24-25: conoscenza di base dei principali argomenti, discreta proprietà di linguaggio, lo studente mostra una limitata capacità di applicare le conoscenze teoriche a casi concreti di cui si propone la soluzione. -Esito soddisfacente 21-23: lo studente non mostra piena padronanza degli argomenti principali dell'insegnamento, pur possedendone le conoscenze fondamentali; mostra comunque soddisfacente proprietà di linguaggio sebbene con una scarsa capacità di applicare in modo adeguato le conoscenze teoriche a casi concreti di cui si propone la soluzione. - Esito sufficiente 18-20: minima conoscenza degli argomenti principali dell'insegnamento e del linguaggio tecnico, scarsissima o nulla capacità di applicare in modo adeguato le conoscenze
--	--



	teoriche a casi concreti di cui si propone la soluzione. - esito insufficiente: lo studente non possiede una conoscenza accettabile dei contenuti dei diversi argomenti in programma La materia semestrale non prevede la prova in itinere. Per gli studenti con disabilità e neurodiversità saranno garantiti gli strumenti compensativi e le misure dispensative individuate, dal CeNDis - Centro di Ateneo per la disabilità e la neurodiversità, in base alle specifiche esigenze e in attuazione della normativa vigente.
ORGANIZZAZIONE DELLA DIDATTICA	Lezioni frontali, esercitazioni pratiche e analisi e discussione di fonti storiche.
BIBLIOGRAFIA CONSIGLIATA	E. Cortese, <i>Le grandi linee della storia giuridica medievale</i>, Roma, Il Cigno, 2000. Ulteriori riferimenti bibliografici saranno forniti durante il corso.

PROGRAMMA

Ore	Lezioni frontali
4	Introduzione: il diritto in una prospettiva storica.
6	Lineamenti di diritto medievale: Bologna e la nascita dell'Università.



4	Lineamenti di diritto medievale: il diritto canonico.
4	Lineamenti di diritto medievale: <i>Ius commune</i> e <i>iura propria</i> .
4	Lineamenti di diritto medievale: la scuola del Commento
2	Fonti dottrinali: <i>Quaestiones</i> , <i>brocardica</i> , <i>distinctiones</i> .
	Esercitazioni
2	Introduzione alla paleografia giuridica.
8	Il Digesto e le Istituzioni di Giustiniano.
8	Le Glosse.
6	Il Decreto di Graziano.



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ANNEX 4

Course in *Struttura e funzione delle fonti giuridiche medievali e moderne* (a.y. 2023/2024)

a) Preliminary Needs Assessment



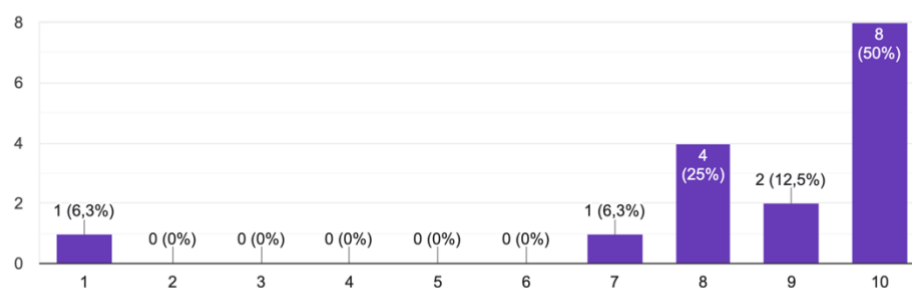
Number of answers: 16

Age of participants: from 21 to 25 years.

Education: 16 hold a high school diploma.

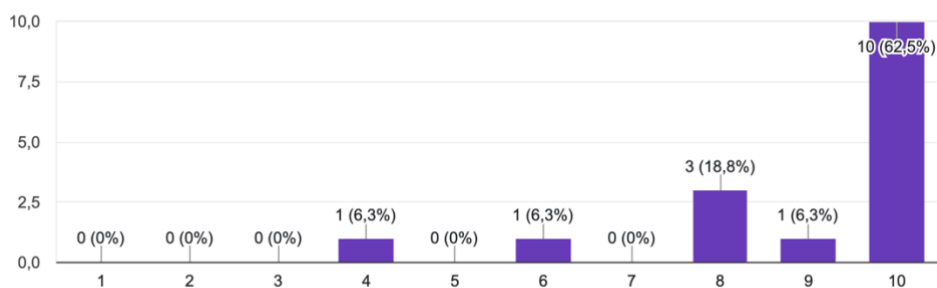
Quanto pensi che sia importante includere lezioni teoriche all'interno del corso?

16 risposte



Quanto pensi che sia importante prevedere esercitazioni di carattere pratico nell'ambito del corso?

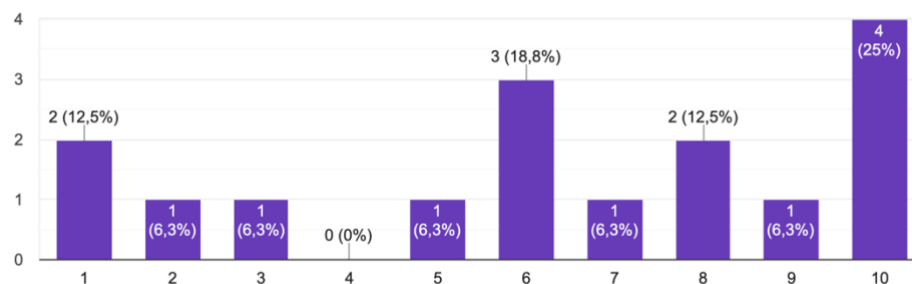
16 risposte





Quanto spesso ti sei confrontato con fonti giuridiche nel tuo lavoro o nel corso dei tuoi studi?

16 risposte



Che cosa ti aspetti di imparare dal corso?

1. Di trascrivere e tradurre le fonti giuridiche medievali
2. Una maggiore dimestichezza nell'utilizzo delle fonti
3. Leggere e comprendere i manoscritti medievali più importanti
4. Una maggiore chiarezza su come si approccia lo storico alla diversi fonti e alle diverse epoche
5. Aspetti giuridici in vari periodi storici
6. Competenze per decodificare e interpretare le fonti giuridiche medievali
7. Accertare le fonti
8. Mi aspetto di imparare come ragiona un giurista



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ANNEX 4

**Course *Struttura e funzione delle fonti
giuridiche medievali e moderne*
(a.y. 2023/2024)**

b) Syllabus



COURSE DESCRIPTION FOR *STRUTTURA E FUNZIONE DELLE FONTI GIURIDICHE MEDIEVALI E MODERNE*

ELECTIVE COURSE, A.Y. 2023/2024, 2nd SEMESTER

Teaching and Enrollment

In the second semester of the 2023/24 academic year, the course titled *Struttura e Funzione delle Fonti Giuridiche Medievali e Moderne* will be taught by Prof. Beatrice Pasciuta. The course is linked to the European project FONTES: *FOstering iNnovative Training in the use of European legal Sources* (<https://fontes.project.uj.edu.pl>), coordinated by Prof. Beatrice Pasciuta and in which the University of Palermo is the leader.

The course is elective for all three concentration tracks (“Profili”) in the five-year law degree program and can be included in your curricular plan of study starting from the third year. Fifth-year students can enroll via the regular procedure, while third- and fourth-year students must submit a *modulo navetta* (“shuttle form”) to Ms. Teresa Affatigato (teresa.affatigato@unipa.it) between January 1 and February 28, 2024.

The course can accommodate no more than seventy students, and it will launch regardless of whether the minimum enrollment threshold of ten students is met, given its link to the FONTES project.



Learning Objectives

By the end of the course, students will understand the main types of medieval and early modern legal sources. They will comprehend the historical and institutional context of legal sources, with a particular focus on the interaction between *ius commune* and *iura propria*. Students will also be able to read, interpret, and analyze key historical legal sources using tools from paleography and legal history. Furthermore, they will develop practical skills through an innovative approach to working with sources, combining theoretical knowledge and practical applications.

Course Contents

This course provides an in-depth overview of medieval and early modern legal sources, exploring their nature, typology, and materiality. Lectures and practical exercises will cover the following topics:

1. What is a legal source? This section will explore the theory, typology, and materiality of legal sources.
2. *Ius commune* and *iura propria*: Students will examine the interaction between *ius commune* and local laws in medieval and early modern Europe.



3. Legislation of new powers: The course will address the normative and legislative context of the 13th-15th centuries.
4. Legal practices and law in action: Students will analyze legal documentation and its use in practice.

The course includes practical exercises where students will work directly with legal sources, learning paleographic skills and developing critical analysis abilities. Lectures will be delivered by members of the FONTES project team, alongside guest lectures from international university and institutional experts.

Bibliography

Students will rely on E. Cortese's *Le grandi linee della storia giuridica medievale*, Roma, Il Cigno, 2000, supplemented by handouts and additional materials provided during the course.

Teaching Methods

The course combines lectures, expert seminars, and practical exercises. Activities include guided analysis of medieval and modern legal sources, group work on manuscripts and ancient texts with presentations of findings, and the use of digital tools and online resources for transcription and interpretation of sources.



Assessment and Grading

Assessment will be based on continuous evaluation through active participation, group work, and contributions to practical exercises, as well as a final oral examination.

Grading will reflect students' preparation and analytical abilities, ranging from limited preparation requiring instructor support (18-20), good preparation on key topics with sufficient analytical skills (21-25), in-depth preparation and above-average critical abilities (26-29), to comprehensive preparation with superior critical skills and autonomous argumentation (30-30L).

Teaching Support Tools

Teaching support includes digitally distributed materials, interactive online resources such as digitized manuscripts, transcriptions, and video lectures, as well as summary sheets and slides.

For further details, please contact:

Prof. Beatrice Pasciuta

Department of Law

University of Palermo

beatrice.pasciuta@unipa.it



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ANNEX 4

**Course *Struttura e funzione delle fonti
giuridiche medievali e moderne*
(a.y. 2023/2024)**

c) Assessment



Example 1

ASSISA SACRATAS DEO VIRGINES

REX ROGERIUS.

SI quis (*d*) rapere sacratas Deo virgines, aut
nondum velatas, occasione etiam matrimo-
nii jungendi, præsumpserit: capitali pœna fe-
riatur.

De

*Se qualcuno avrà osato rapire vergini consacrate a Dio o non
ancora velate, anche col pretesto di unirsi in matrimonio, sia
punito con la pena capitale.*



CHE COS'È L'ASSISA?

Le pubbliche
assemblee che
formavano leggi e
giudicavano le liti

Le leggi e le sentenze
stabilite in assemblea,
chiamate anche
Constitutiones

QUANDO?

1140

DOVE?

- Manoscritto: il Vaticano (Vat. Lat. 8782) → scoperto agli inizi dell'800 composto da 43 assise
- Manoscritto: Il Cassinese (486) → scoperto alla fine del '700: composto da 39 assise

COS'È?

Corpus di norme
di Ruggero II

ASSISE DI ARIANO



Sono precedute da un
proemio, nel quale si afferma:

che le leggi sono concepite come un atto di riconoscenza verso Dio. Ruggero dichiara che il suo regno è stato ricevuto direttamente da Dio, e che questo dono divino comporta un obbligo di riconoscenza da parte del re, il quale si concretizza attraverso l'emanazione di leggi per il regno.

ASSISE DI ARIANO

**INCORONAZIONE DI RUGGERO
(PALERMO, MARTORANA XII SEC.)**





- Mosaico bizantino
- Funzione:
 - **didascalica**: permette la conoscenza del messaggio ai fedeli (molti dei quali non sono in grado di leggere;
 - **decorativa**

DESCRIZIONE :

- Le due figure sono più o meno della stessa dimensione (Cristo è raffigurato sollevato da terra)
- Somiglianza di volti
- Abbigliamento tipico imperatore bizantino

TRADIZIONI NORMATIVE NEL MEDIOEVO

IUS COMMUNE

Di portata
universale, che si
estende a tutti

IUS PROPRIUM

Di portata individuale, che si
riferisce ad una specifica
categoria:

- IUS PROPRIUM SU BASE PERSONALE
- IUS PROPRIUM SU BASE TERRITORIALE



REGNUM SICILIAE

La Sicilia del XII e del XII sec. è definita tradizionalmente trilingue. Il **trilinguismo** al quale si fa riferimento riguarda le tre etnie maggiori: latina, araba e greca.

Ruggero II stabilisce un sistema giuridico con diverse fonti, quali mores, consuetudini e leges, sottoposte ad una gerarchia dove la legge regia è in cima.

Le **azioni principali** di Ruggero II riguardano tre aree:

- modifiche alle consuetudini,
- regolamentazione degli ordinamenti locali (feudali ed ecclesiastici), e
- definizione di questioni di esclusiva competenza regia come lesa maestà, reati contro l'ordine pubblico, reati commessi dai funzionari del re, e altri reati come omicidio, furto, e così via.

Qual è la posizione della Chiesa cattolica nei confronti delle donne?

DONNA:
tentazione - induzione al peccato

EVA (responsabile del peccato originale) in contrapposizione alla
MADONNA (ruolo salvifico)



- Durante il Medioevo, la sottomissione delle donne era una caratteristica prevalente della società, profondamente radicata nelle norme culturali, sociali e religiose dell'epoca.
- Le donne potevano scegliere la vita monastica → subordinate all'autorità ecclesiastica maschile.
- ECCEZIONE: alcune donne raggiunsero una posizione di rilievo, come le badasse.

Monastero Las Huelgas (1180, Alfonso VIII)





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FONTES

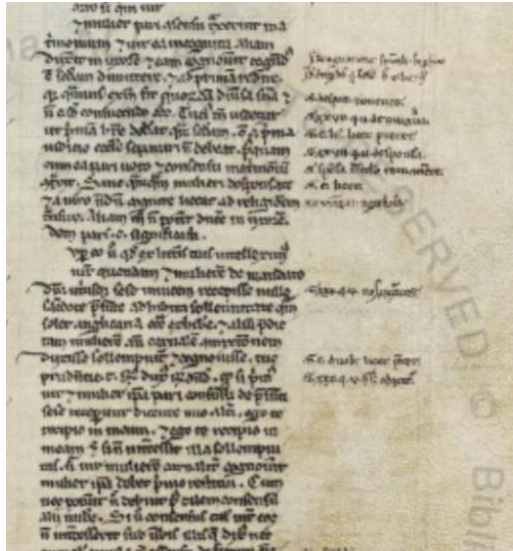
Fostering iNnovative Training
in the use of European legal Sources

GRAZIE PER L'ATTENZIONE!

MARTINA CASTRONOVO
VALERIA DI LETO
GIORGIA BISCARI
FIORELLA MARIA EBELLI
BIANCA FERRERA



Example 2



**COMPILATIO
PRIMA,
DECRETALE
PORRO
PAL. LAT.
653 C. 45RB**

Presentato da:
Aurora Buscaino
Beatrice De Vita
Valentina Carta
Claudia Affatigato
Elisabetta Canale
Angela Cuccio

Trascrizione

PORRO. SI QUI VIR, ET MULIER PARI
SENSU CONTRAXERUNT MATRIMONIUM,
ET VIR EA, INCOGNITA ALIAM
AUXERAT IN UXOREM, ET EAM
CO GNOUERIT, COGENDUS EST
SECUNDAM DIMITTERE
ET AD PRIMAM REDIRE, QUIA QUAMUS
EXINDEBIT DIVERSA QUORUNDAM
SENTENTIA, DE NON GADEM
CONSUEUDO ECCLESIAE, TUTIUS
TAMEN VIDETUR, UT PRIMAM HABERE
DEBEAT, QUAM SECUNDAM, CUM
A PRIMAM SINE IUDICIO ECCLESIAE
SEPARARI NON DE-
BEAT, POSTQUAM CUM EA PARI VOTO,
ET CONSENSU MATRIMONIUM
CONTRAXIT. SANE QUAMQUAM
MULIERI DESPONSATAE, ET A VIRO
NONDUM COGNITAE LICEAT AD
RELIGIONEM TRANSIRE, ALIAM TAMEN
NON POTEST DUCERE IN UXOREM

PORRO. si qui vir, & mulier pari cō-
senſu contraxerunt matrimonium, & vir **ea**
incognita aliam duxerit in vxorem, & eā co-
gnouerit, cogendus est **secundam** dimittere,
& ad primam redire. quia quamuis **exinde**
ſit diuerſa quorundam **ſententia**, & nō eadē
conſuetudo eccleſiæ, tutius tamen videtur, ut
primam habere debeat, quam **ſecundā**, cum
a prima **sine iudicio eccleſiæ ſeparari** non de-
beat, **poſtquam** cum ea pari voto, & cōſenſu
matrimonium contraxit. Sane quamquam
mulieri **deſponſatae**, & a viro nondum **cogni-**
tae liceat ad religionem **tranſire**, aliam **tamē**
non **potest** ducere in vxorem.



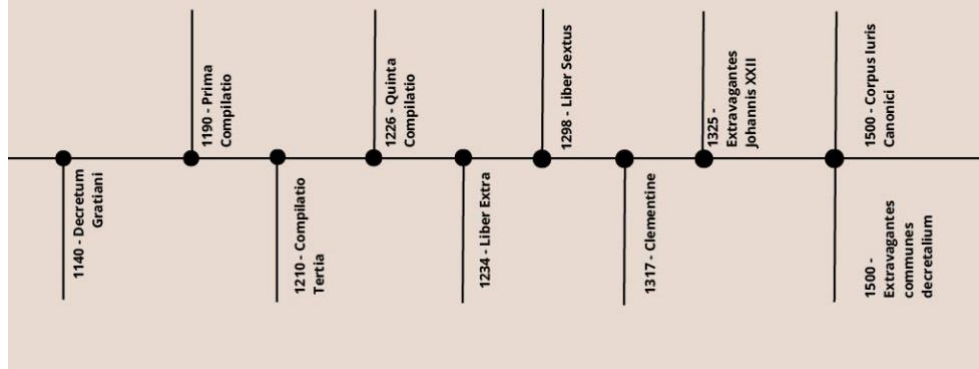
Traduzione:

Se un uomo e una donna avessero contratto matrimonio con uguale consenso, e l'uomo avesse sposato un'altra donna a lei sconosciuta, e l'ha poi conosciuta, deve essere obbligato a divorziare dalla seconda donna e ritornare alla prima, perché, sebbene l'opinione di alcuni potrebbe essere stata diversa, sembra tuttavia più sicuro; poiché l'usanza della chiesa non è lo stesso, egli dovrebbe avere il primo (matrimonio), piuttosto che il secondo, poiché non dovrebbe essere separato dal primo senza il giudizio della chiesa, dopo aver contratto con lei matrimonio con uguale voto e consenso.

Nonostante sia lecito che la donna fidanzata e non conosciuta carnalmente dall'uomo possa entrare in monastero, (l'uomo) non può condurre in matrimonio un'altra

PORRO. si qui vir, & mulier pari cōsensu contraxerunt matrimonium, & vir ea incognita aliam duxerit in vxorem, & eā cognouerit, cōgendus est secundam dimittere, & ad primam redire. quia quamuis exinde sit diuersa quorundam sententia, & nō eadē consuetudo ecclesię, tutius tamen videtur, vt primam habere debeat, quam secundā, cum a prima sine iudicio ecclesię separari non debeat, postquam cum ea pari voto, & cōsensu matrimonium contraxit. Sane quamquam mulieri desponsatz, & a viro nondum cognitz liceat ad religionem transire, aliam tamē non potest ducere in vxorem.

Linea Temporale





Decretum Gratiani e ius vetus

cosa rappresenta il *decretum gratiani*?

la tradizione giuridica antica della chiesa,
una sintesi delle principali norme e
principi del diritto della chiesa dell'alto
medioevo.

Il titolo originale del manuale era
"Concordia Discordantium Canonum",
utilizzato nelle scuole di diritto
nell'insegnamento

struttura

FONTI DEL DIRITTO DELLA
CHIESA:

- 1 •DIRITTO DIVINO
- DIRITTO DIVINO POSITIVO
- DIRITTO DIVINO NATURALE
•CANONI
•DECRETALI
- 2 CASI GIUDIZIARI
- 3 DISTICTIONES

IUS NOVUM

- XII secolo: grande produzione di decretali
- necessità di conoscere lo ius novum, costituito dai decretali dei papi
- necessità di comporre nuovi testi per raccogliere le decretali extravagantes
- nascita delle Compilatio

1. Compilatio Prima 1190: Bernardo di Pavia
2. Compilatio Terza 1210: Innocenzo III
3. Quinta Compilatio 1226: Onofrio III
4. Liber Extra Decretalium 1234: Gregorio IX
5. Liber Sextus 1298: Bonifacio VIII
6. Clementine 1317: Clemente V



PRIMA COMPILATIO ANTICUA



AUTORE

REDATTA DA BERNARDO DA PAVIA NEL 1190

NATURA

INIZIATIVA PRIVATA NON
UFFICIALIZZATA DAL PAPA

SCOPO

RIORDINO DEI TESTI PER OFFRIRE DELLE
FONTI AGGIORNATE

CONTENUTO

RACCOLTA EXTRAVAGANTES SUCCESSIVE
AL DECRETO DI GRAZIANO
RACCOLTE DI DECRETALI NON RIENTRATE
NEL DECRETUM

DIVISIONE INTERNA DELLE MATERIA

1. IUDIX
2. IUDICIUM
3. CLERUS
4. CONNUBIA
5. CRIMEN

L'EVOLEZIONE

PRIMA DEL CONCILIO DI TRENTO:

Graziano --> Teoria della consumazione

- Matrimonium initiatum: concluso con il solo
consenso = solubile
- Matrimonium consummatum o ratum:
simbologgiata dalla commixtio sexuum =
indissolubile
- POSIZIONE RISPETTO ALL'ADULTERIO: il divieto
di seconde nozze è giustificato dalla permanenza
in vita del vincolo coniugale, che l'adulterio e il
conseguente "divortium" non hanno cancellato

Pietro Lombardo --> Teoria del Consenso

- 2 tipi di consenso

1. il fidanzamento: per verba de futuro
2. le nozze: per verba de presenti

- 2 tipi di separazione

1. corporale: per causa di adulterio o ingresso in
religione
2. sacramentale: il matrimonio sia stato contratto tra
persone non legittime e dunque affette da
invalidità

DEL MATRIMONIO

DOPO IL CONCILIO DI TRENTO (1545 e il 1563):

- Riforma protestante: il matrimonio è un negozio
secolare, di competenza dello Stato
- conseguente Controriforma: matrimonio è un
sacramento
- Regolamentazione del rito del matrimonio
- l'adulterio comporta la scomunica





Donne Impossibili





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ANNEX 4

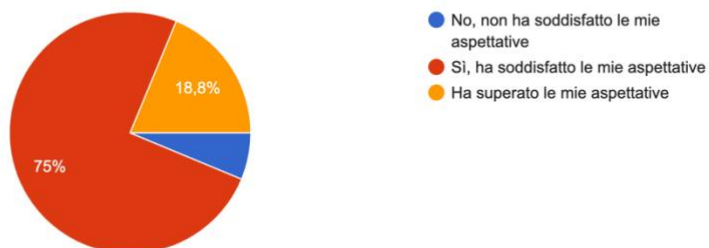
Course in *Struttura e funzione delle
fonti giuridiche medievali e moderne*
(a.y. 2023/2024)

d) Feedback Questionnaire



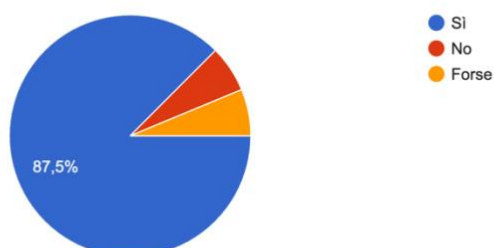
1. Il corso ha soddisfatto le tue aspettative?

16 risposte



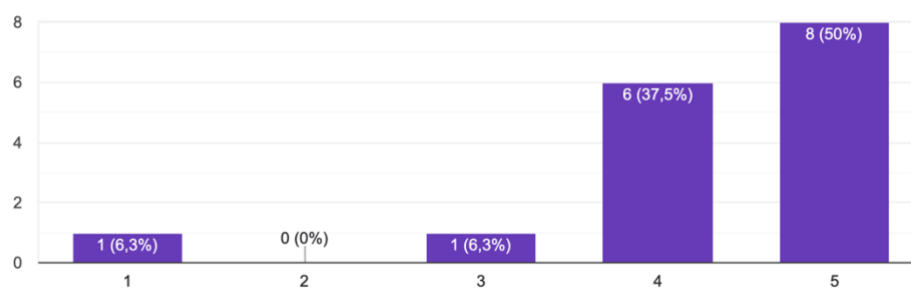
2. Gli spazi erano adatti allo svolgimento del corso?

16 risposte



3. Quanto sei soddisfatto del corso?

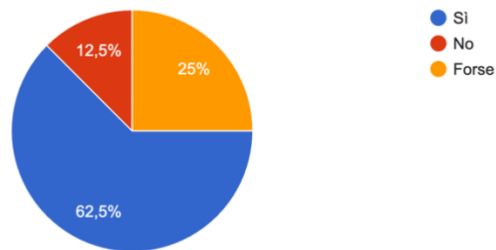
16 risposte





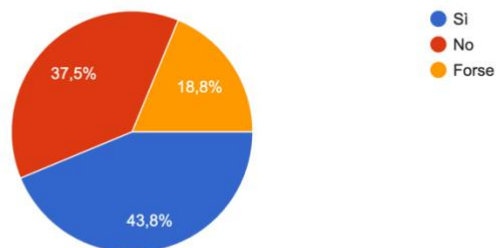
4. Pensi che un metodo di insegnamento più interattivo possa essere utile?

16 risposte



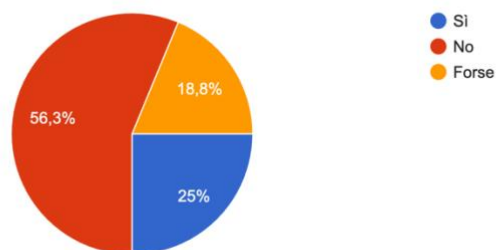
5. Consiglieresti di prevedere più lezioni di tipo pratico?

16 risposte



6. Consiglieresti di prevedere più lezioni di tipo teorico?

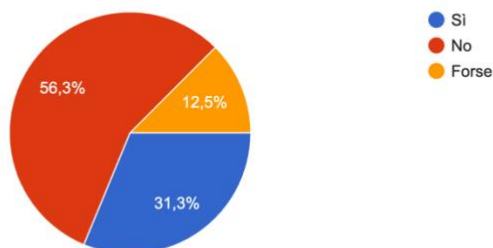
16 risposte





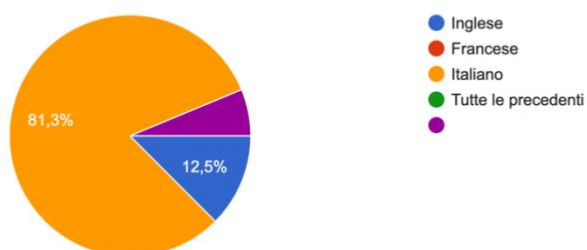
7. Vorresti che i docenti leggessero più fonti di prima mano?

16 risposte



8. Quale lingua pensi sia più appropriata per un corso come questo?

16 risposte



9. Hai ulteriori commenti o suggerimenti?

No

Sono rimasta abbastanza colpita da questo corso e sono felice di aver avuto l'occasione di averne fatto parte.

Questo corso di studi è stato utile per comprendere gli aspetti giuridici in base alle varie epoche storiche.



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SECTION 3

E-Learning Courses



3.1. Presentation

As a third format, we planned to realize an e-learning course.

According to the initial plan, we should have realized a single e-learning course. Instead, we produced three courses. The first one, curated by Dr. Anna Floris, is structured following the division of the master's Course and the Handbook into four thematic units and is titled *Introduction to the Sources of the European Ius Commune*. It comprises 12 video lectures, each approximately 10 minutes in length. It is available at this link: <https://fontes.project.uj.edu.pl/introduction-ius-commune>.

The second was curated by Prof. Noëlle Perret, Dr Ignazio Alessi, Dr Gavino Scala, Dr Adrien Wyssbrod, Dr Lionel Dorthé, Dr Marco Cicchini and Dr Grégoire Oguey; it is titled *Perspectives on Swiss Legal Sources and Diplomatic Treaties* and consists of five video-lectures, each available in two versions: an extended one (30-40 minutes) and a short one (5-10 minutes). It is available at this link: <https://fontes.project.uj.edu.pl/fontes-oer-swiss>.

The third was curated by Prof. Maciej Mikula, Dr Kacper Górski, Prof. Krzysztof Fokt and Prof. Łukasz Marzec. Titled *Legal Sources in the Kingdom of Poland and the Grand Duchy of Lithuania*, it comprises sixteen video-lectures lasting from 15 to 35 minutes each. It is available at this link: <https://fontes.project.uj.edu.pl/lecture-pl>.



In terms of format, we considered the ideal length to be 40 minutes, although we also chose to create shorter video lectures, based on the understanding that shorter videos help maintain attention and engagement (the average attention-span for video-based learning is estimated around 6-10 minutes).

We included a comprehensive self-assessment questionnaire for each lecture series, each of which takes approximately 10 minutes to complete.

Additionally, we realised six tutorials, each focusing on a different legal source. These consist of carefully selected legal sources accompanied by a brief introduction that contextualizes each document. Each source is transcribed, with its provenance clearly indicated. Following the text, a set of comprehension questions is provided to facilitate understanding, along with self-evaluation questions to assess the learner's engagement and knowledge.

3.2. Titles and abstracts of video-lectures

INTRODUCTION TO THE SOURCES OF THE EUROPEAN *IUS* *COMMUNE*

by Dr Anna Floris

This course provides an overview of the history of European law, focusing in particular on the types, structure, and use of legal



sources from the medieval and early modern periods. It begins by addressing two important authoritative texts in the study of secular and spiritual law, the Corpus Iuris Civilis and the Corpus Iuris Canonici. It then examines the main types of medieval and early modern legal literature, starting with glosses and commentaries. It also covers other genres such as quaestiones, brocardica, and consilia. The course then considers significant examples of ius proprium such as the statutes of the Italian communal cities and the Liber Augustalis of the Kingdom of Sicily.

Finally, the course provides an introduction to legal paleography as a means of understanding medieval and early modern legal sources. The course uses specific examples to guide students through the deciphering of these systems, as well as practical tips for transcribing digitized manuscripts. The course concludes with an outline of how to recognize and read legal allegations, including citation methods for the Corpus Iuris Civilis and the Corpus Iuris Canonici.

PERSPECTIVES ON SWISS LEGAL SOURCES AND DIPLOMATIC TREATIES

The “ambassador treaties”: personal experience and the construction of a normative discourse (XIII-XVI century), by Prof. Noëlle Letitia Perret, Dr Ignazio Alessi, Dr Gavino Scala



This video examines medieval diplomatic treatises by authors such as Guillaume Durand, Bernard de Rosier, and Ermolao Barbaro. By analyzing these treatises, historians uncover the gradual formation of diplomatic principles and protocols. The texts, shaped by the personal experiences of their authors, offer a glimpse into the norms and ethical standards that governed medieval diplomacy, providing valuable insight into the establishment of the ambassadorial role and the legal frameworks of diplomacy.

Customary Law in Neuchâtel, by Dr Adrien Wyssbrod

The Hory Code represents a unique 17th-century effort to codify Neuchâtel's customary laws. Although it was not officially adopted, the code remains a critical document, revealing the norms and values that guided local governance. By preserving these customs, the Hory Code offers a window into Neuchâtel's social dynamics, legal culture, and the inherent challenges in transforming oral traditions into written law.

The happy destiny of the Handfeste of 1249 from the first version of the charter of liberties and franchises of the city of Fribourg (Switzerland) to its copies, confirmations and translations, by Dr Lionel Dorthe

This presentation highlights the 1249 Handfeste, a foundational document for the citizens of Fribourg. Though the city dates back to 1157, it was only in this document that its inhabitants' rights were recorded. The Handfeste's physical characteristics – a three-



parchment format with seals and a two-column text structure – reflect the craftsmanship and legal tradition of the period. Its survival and multiple reproductions underscore its enduring role in the city’s identity and its significance as a legal reference for centuries.

A history of the passport in archives – the case of Geneva (15th-18th century), by Dr Marco Cicchini

Examining the history of passports, this video explores how these documents evolved from symbols of privilege to formalized identification and surveillance tools. The archival documents from Geneva reveal the shift from personal recognition within communities to remote identification systems necessary for increasing mobility. The transition highlights a broader change in how societies managed identity and regulated movement, reflecting early forms of border control and bureaucratic documentation.

The founding charter of Fontaine-André Abbey, diplomatic analysis, by Dr Grégoire Oguey

Focused on the charter that established the Abbey of Fontaine-André near Neuchâtel, this video sheds light on the legal and administrative methods of the early 13th century. This foundational document outlines the rights and privileges of the Abbey, serving as a key source for understanding the structure of



local governance, the distribution of power, and the evolving relationships between religious and secular authorities.

LEGAL SOURCES IN THE KINGDOM OF POLAND AND THE GRAND DUCHY OF LITHUANIA

Formula processus (1523) (code of court procedure), by Dr Kacper Górski.

The *Formula processus* of 1523 was a foundational statute for proceedings in the land law courts of the early modern Kingdom of Poland. This lecture begins by examining its origins within the broader context of unification and codification efforts in late medieval and early modern Poland. It then analyzes the structure of the *Formula processus* and assesses whether the attempt achieved its intended objectives, namely statewide unification, codification, and the simplification and acceleration of court procedures in the land law courts.

Statuta civitatum. Municipal legislation in Polish cities and towns, by Prof. Maciej Mikula.

The lecture aims to introduce an essential legal source in Polish cities: municipal statutes. These statutes modified and supplemented Magdeburg Law, the model for town foundations in Central and Eastern Europe. The lecture highlights phenomena such as the borrowing of statutes between cities.



Opera iurisperitorum saeculi XVI: ius municipale (practice-oriented manuals and writings of urban lawyers), by Prof. Maciej Mikula.

The lecture offers an introduction to key 16th-century works on municipal law, providing guidance on using legal literature. It covers Latin and Polish translations of the *Saxon Mirror* and *Magdeburg Weichbild* (by Mikołaj Jaskier and Paweł Szczerbic), monographs on specific legal issues (by Jan Cerasinus Kiersen and Jan Aichler), as well as Latin (by Jan Cervus Tucholczyk) and Polish (by Bartłomiej Groicki) legal textbooks.

The influence of the Roman law on the inheritance law in the First Lithuanian Statute – part 1, by Prof. Łukasz Marzec.

This lecture examines the impact of Roman legal thought on the inheritance law provisions within the First Lithuanian Statute. It is accompanied by a general overview of the political, historical, and legal context of the relations between the Kingdom of Poland and the Grand Duchy of Lithuania.

The influence of the Roman law on the inheritance law in the First Lithuanian Statute – part 2, by Prof. Łukasz Marzec.

This section explores the impact of Roman legal thought on the inheritance law provisions in the First Lithuanian Statute. It includes a general overview of the political, historical, and legal context of the relations between the Kingdom of Poland and the



Grand Duchy of Lithuania, along with a more detailed analysis of inheritance law regulations and their Roman-Byzantine sources.

Roman Law in the “Collection of Court Laws” by Andrzej Zamoyski (1776), by Prof. Łukasz Marzec.

This lecture examines the history of the remarkable legal codification draft by Chancellor Andrzej Zamoyski. The proposed legal reforms, deeply rooted in Roman legal concepts, represented a revolutionary shift but were ultimately rejected by the Polish Parliament due to political realities. Furthermore, the draft, titled “*Collection of Court Laws*,” faced strong opposition from the Catholic Church.

Roman Law in Old Polish and Lithuanian Codifications, Part 1: “Statutes of Casimir the Great”, by Prof. Łukasz Marzec.

This lecture explores the history and Roman law foundations of the first comprehensive codification of medieval Polish law, initiated by King Casimir the Great, founder of the Jagiellonian University. Numerous Roman law institutions were borrowed and adapted in this codification, aimed at enhancing the legal culture of the reunified medieval Polish state.

Roman law in the old Polish and Lithuanian codifications, part 2: Lithuanian Statutes (vol.1), by Prof. Łukasz Marzec.

This lecture examines the influence of Roman legal thought on the inheritance law provisions in all three Lithuanian Statutes. It



includes a general overview of the political, historical, and legal relations between the Kingdom of Poland and the Grand Duchy of Lithuania, offering a comparative perspective on the internal differences between their respective legal systems.

Roman Law in Old Polish and Lithuanian Codifications, Part 3: Lithuanian Statutes (Vol. 2), by Prof. Łukasz Marzec.

This lecture explores the influence of Roman legal thought on the inheritance law provisions in all three Lithuanian Statutes. It provides a general overview of the political, historical, and legal relations between the Kingdom of Poland and the Grand Duchy of Lithuania, alongside a comparative analysis of the internal differences between their legal systems. Special attention is given to Pedro Ruiz de Moros's contributions to the formation of the Second Statute, highlighting Roman law borrowings and references.

Documentation of the Foundation of Villages, by Prof. Krzysztof Fokt.

The lecture presents the village founding process in the High Middle Ages, detailing its specific stages. Case studies from Silesia, the birthplace of a rural colonization model that later spread across East-Central Europe, are analysed through a series of charters.

Village Statutes, part 1, by Prof. Krzysztof Fokt.



The lecture addresses the definition and characteristics of rural normative sources, distinguishing between statutes issued by communities and domanial legislation imposed on villages. It also considers the European context of rural statutory sources and examines practical challenges in the formal and functional classification of this kind of legislation.

Village Statutes, part 2, by Prof. Krzysztof Fokt.

The lecture examines rural statutes of a communitarian nature and their evolution toward landlord-dominated legislation. This process is illustrated with examples from various regions of the Kingdom of Poland: Major Poland/Wielkopolska (the oldest known community resolution from Krzemieniewo, 1412), Royal Prussia (the village Pruszcz near Gdańsk, resolution from 1485), and Lesser Poland/Małopolska (Statute for Krzyżanowice, 1504).

Village Statutes, part 3, by Prof. Krzysztof Fokt.

The final lecture on rural statutory sources discusses the origins of manorial legislation, using examples from various Polish regions and showcasing different normative and topographic village models. It begins with the 1514 statute from Wielkopolska, followed by statutes for Sułoszowa (1565) and Węgrzce (1570). The lecture emphasizes the coexistence of diverse normative and social structures, forming a legally diverse landscape unified by shared needs and characteristics.



Village Court Books, part 1, by Prof. Krzysztof Fokt.

The lecture explores village court books as a historical source, examining the motives for their long-standing use across various domains. Case studies from Kraków and Sandomierz lands in the former Kingdom of Poland focus on villages practicing the emphyteutic model of land tenure. The lecture presents the general concept and primary purposes behind these court books, illustrated by specific entries from the sources.

Village Court Books, part 2, by Prof. Krzysztof Fokt.

The lecture builds on themes from the preceding session, focusing on less typical cases and entries from village court records. Notable examples include a penal case from the Suloszowa court book, which attempted to introduce general concepts of criminal procedure in the late medieval and early modern periods.

Honey hunting law in medieval and early modern Poland, by Dr Kacper Górski.

The honey-hunting law (*prawo bartne* in Polish) served as a legal framework regulating relations among honey hunters (tree beekeepers), between honey hunters and domanial lords and protecting the honey hunters' rights. This lecture categorizes honey-hunting law by illustrating norms within land law. Moreover, it highlights specific laws governing local honey-



hunting communities. It concludes with an overview of the primary sources.

3.3. Tutorials

The tutorials are available on the project website at this link: <https://fontes.project.uj.edu.pl/tutorial>. Here's a complete list of the tutorials created.

1. *Authentica Habita*
2. *Decretum Gratiani*
3. *Digestum Vetus* (D. 1, 1, 1)
4. *Digestum Vetus* (D. 1, 1, 9)
5. Accursius' Gloss to Justinian's Institutes
6. Marino da Caramanico's *Prohemium* to the *Liber Augustalis*

Each source is transcribed with its provenance explicitly noted. After the text, comprehension questions are included to aid understanding, alongside self-evaluation questions designed to measure the learner's engagement and grasp of the material. Comprehension and self-evaluation questions are available at this link: <https://fontes.project.uj.edu.pl/tutorial>. An example is provided below.



1. *Authentica Habita*

Comprehension

- a. What are the primary legal protections granted to scholars under the *Authentica Habita*?
- b. How did this law address the issue of *rappresaglia*, and why was it significant for traveling scholars?
- c. Where in Justinian's Code was the *Authentica Habita* inserted, and what significance did this placement have?
- d. According to the *Authentica Habita*, who had jurisdiction over legal disputes involving scholars?

Self-evaluation test

1. Which emperor is attributed with issuing the *Authentica Habita*?
 - a. Charlemagne
 - b. Otto I
 - c. Frederick I Barbarossa (x)
 - d. Henry IV
2. Under the *Authentica Habita*, who had jurisdiction over scholars?
 - a. The local magistrate



- b. The city mayor
 - c. Their professor or the local bishop (x)
 - d. The emperor's council
3. The *Authentica Habita* is considered significant in the history of education because it:
- a. Established a universal curriculum for universities
 - b. Protected scholars from local authorities, laying a foundation for academic freedom (x)
 - c. Made universities exempt from all taxes
 - d. Provided financial support for scholarly institutions
4. Which of the following best describes the term *rappresaglia* as mentioned in the *Authentica Habita*?
- a. A practice of holding individuals accountable for the debts of others from the same origin (x)
 - b. A system of public trials for foreign scholars
 - c. A tax imposed on traveling scholars
 - d. A method of collecting feudal dues
5. What penalty does the *Authentica Habita* stipulate for those who fail to protect scholars or who harm them?
- a. A public apology
 - b. Financial restitution of four times the damages (x)
 - c. A year-long imprisonment
 - d. Banishment from the city



6. The *Authentica Habita* was placed within Justinian's Code under the title *Ne filius pro patre, vel pater pro filio emancipato, vel libertus pro patrono, vel servus pro domino conveniatur*, which translates to: "Let neither the son be held accountable for the father, nor the father for the emancipated son, nor the freedman for the patron, nor the servant for the master". Why was this specific placement chosen?
- a. To reinforce the emperor's authority over family obligations.
 - b. Because the *Authentica Habita* granted scholars protection from *rappresaglia*, meaning individuals could not be held accountable for others' debts or actions based on shared origin. (x)
 - c. To ensure students were not legally bound to their professors for financial debts.
 - d. To outline specific penalties for families of debtors.