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## **Literature and Law: Fairy Tales, Animated Cartoons and Property Law**

**Abstract:** Property law is present in every narrative, language and even in fairy tales as a fundamental right. The contribution, based on the fairy tales *Up* and *The Emperor's New Groove*, aims to draw – in fairy tales as well as in reality – the boundaries within which this right can be exercised. The purpose of this paper, using an empirical and qualitative methodology, is to demonstrate how the use of fairy tales can be useful to teach young students of both primary and high school important concepts such as those part of the modern concept of “property” expressed recently by the legal doctrine and the jurisprudence of the European Court of Human Rights.

**Keywords:** fairy tales, language and law, law and literature, property law

### **Introduction**

Property rights, and most broadly the right of ownership and with all that this implies, have always been a key element in human society. Nevertheless, “private property” was so important to be considered a fundamental and an absolute right

within Article 544 of the French 1804 Civil Code,<sup>1</sup> Article 436 of the Italian 1865 Civil Code<sup>2</sup> or Article 903 of the German 1900 BGB.<sup>3</sup>

The historic framework in which the “modern” civil codes have been developed and promulgated was an era in which many countries reunited or were in the process of becoming new modern nations.<sup>4</sup> Specifically, it is during the late XIX century that the entire European cultural scene evolved into achieving for each country a national culture (including also a national language) that spread out in each sector of human knowledge.<sup>5</sup> The scope of this cultural unity was in fact the creation of a “new language” intended to affirm a “national pride”<sup>6</sup> and fairy tales have played a crucial role in this.

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1 The Code Napoleon’s original text stated : “La propriété est le droit de jouir et disposer des choses de la manière la plus absolue, pourvu qu’on n’en fasse pas un usage prohibé par les lois ou par les règlements.” (translated: “Property is the right to enjoy and dispose of things in the most absolute manner, provided they are not used in a way prohibited by laws or statutes.”) For a detailed historical analysis and contextualization of the Code Napoleon see: A. B.M. Boistel, *Le Code Civil et la philosophie du droit*, Paris 1844.

2 The original text of the Italian civil code adopted in 1865 stated: “La proprietà è il diritto di godere e disporre delle cose nella maniera più assoluta, purché non se ne faccia un uso vietato dalle leggi o dai regolamenti” (translated: “Property is the right to enjoy and dispose of things in the most absolute manner, provided they are not used in a way prohibited by laws or statutes.”) For a detailed historical analysis and contextualization of the Italian Civil Code see: G. Tarello, *Cultura giuridica e politica del diritto*, Bologna 1988, p. 122. It is worth underlying that the 1865 Italian Civil Code is a perfect replica, for the Italian population, of the 1804 French Civil Code. In fact, the Italian legislator took as inspiration the French civil code thus copying and translating most of its content from French into Italian.

3 The original text of the German BGB adopted in 1900 stated: “Der Eigentümer einer Sache kann, soweit nicht das Gesetz oder Rechte Dritter entgegenstehen, mit der Sache nach Belieben verfahren und andere von jeder Einwirkung ausschließen. Der Eigentümer eines Tieres hat bei der Ausübung seiner Befugnisse die besonderen Vorschriften zum Schutz der Tiere zu beachten.” (translated: “The owner of an object may, unless the law or rights of third parties conflict, carry out the object at will and exclude others from any influence. The owner of an animal must observe the special rules for the protection of animals when exercising his powers.”) For the German codification history see: F. Wieacker, *Storia del diritto privato moderno con particolare riguardo alla germania*, II, Milan 1980, p. 175 ff.

4 P. Grossi, *Modernità e ordine giuridico*, “Quaderni fiorentini” 1988, vol. 27, p. 39; C. Latini, *Dei progressi del diritto civile in Italia. Una causa celebre sui versi di Giovanni Pascoli e l’emersione del diritto d’autore*, (in:) R. Favale, C. Latini (eds.), *La codificazione nell’Italia post unitaria 1865–2015*, Camerino 2016, p. 15.

5 For instance, in Germany, the Brothers Grimm published the first German-language dictionary in 1854 in Leipzig. See: B. Roll et al., *Die Brüder Grimm Pioniere deutscher Sprachkultur des 21. Jahrhunderts*, Gütersloh/Munich 2013. In Italy, between 1861 and 1876, after the unification of the country into a modern state, Nicolò Tommaseo and Bernardo Bellini published the first Italian-language dictionary. For an insight into the history of the Italian dictionaries see: C. Marazzini, *L’ordine delle parole: storia di vocabolari italiani*, Bologna 2009, p. 282 ff.

6 J. Zipes, *The Changing Function of the Fairy Tale*, “The Lion and the Unicorn” 1988, vol. 12, no. 2, p. 19.

## 1. Methodology

Starting from this historic premise, this paper will – using an empirical and qualitative methodology and interdisciplinary approach – demonstrate how children and students could benefit from and learn law and its principles through the reading, listening or watching of fairy tales. An array of interdisciplinary literature ranging from sociology and cognitive psychology to law will be analysed, while through the analysis of individual fairy tales the link between law and education methods will be explained.<sup>7</sup>

When approaching a speech or a lesson, the main goal of the speaker is that the message expressed is clear to the audience.<sup>8</sup> This is more important if the speaker is a teacher in a class full of children or a professor in front of an audience of students eager to learn. Still, what is crucial, especially when teaching law, is that the students get, as Fuller states, “something more durable, more versatile and muscular, than mere knowledge of rules of law”.<sup>9</sup> Moreover, the teacher has to allow students and children to think in a creative yet productive way that will help them in the future to solve problems never faced before.<sup>10</sup>

At the same time, it is pivotal that teachers and professors give instruments to children and students to understand the current society and build of a sense of community,<sup>11</sup> because it will affect the process of consolidating their personal,<sup>12</sup> political and social identity.<sup>13</sup> The “sense of community” and the understanding of law are closely linked and intertwined.<sup>14</sup>

7 See Sections 2 and 3 of this paper.

8 R. Dolan, Effective presentation skills, “FEMS Microbiology Letters” 2017, vol. 364, no. 24, p. 2.

9 L. L. Fuller, On teaching law, “Stanford Law Review” 1950, vol. 3, no. 4, p. 36.

10 M. Wertheimer, Productive thinking, Springer 2020, *passim*.

11 J. Adelson, R.P. O’Neil, Growth of political ideas in adolescence: The sense of community, “Journal of Personality and Social Psychology” 1966, vol. 4, no. 3, p. 295–306.

12 E.H. Erikson, Identity, youth, and crisis, New York 1968.

13 S. Berman, Children’s social consciousness and the development of social responsibility, Albany 1997.

14 J.E. Young, The law as expression of community ideals and the lawmaking functions of courts, “Yale Law Journal” 1917, vol. 18, no. 1, p. 20.

As many studies have demonstrated, both in children and adolescents, there is a lack of knowledge in the concept of law, judicial system and politics<sup>15</sup> even if in many education systems civic education has been introduced into the curricula.<sup>16</sup>

Due to the fact that children have been their main addressee as they have become the recipients of “moral recommendations with didactic intent spread”,<sup>17</sup> the literary genre of fairy tales can be a useful tool for effectively implementing the knowledge of law and the sense of community in a wider meaning and perspective.

Fairy tales and folk tales have allowed children to achieve “a more mature consciousness” on society,<sup>18</sup> thus making them understand the “real world” of adults.<sup>19</sup> As pointed out by Carpi, “folktales are the mirrors of the social order in a given historical period, and as such they symbolize the dreams and the needs of the people”<sup>20</sup> and, especially in children, fairy tales can play a pivotal role into supporting their socio-emotional, cognitive and conative development.<sup>21</sup>

And while the evolution of culture has continued over time, even if the communication methods have changed,<sup>22</sup> so fairy-tales have migrated into these new communication tools, thus remaining in the public consciousness<sup>23</sup> and reinventing

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- 15 A.E. Berti, V. Guaranaccia, R. Lattuada, Lo sviluppo della nozione di norma giuridica, “Scuola e città” 1997, vol. 48, no. 12, p. 532–545; A.E. Berti, E. Ugolini, Developing knowledge of the judicial system: A domain specific approach, “The Journal of Genetic Psychology” 1998, vol. 159, no. 2, p. 221–236; G.M. Garcia-Albacete, Promoting Political Interest in Schools: The Role of Civic Education, (in:) S. Abendschön (ed.), Growing into Politics: Contexts and Timing of Political Socialisation, Colchester 2013, p. 96 ff.
- 16 For instance, it is worth noting that most of the European countries have introduced in the respective education curricula activities related to civic or citizenship education. See in this regard: European Commission/EACEA/Eurydice, Citizenship Education at School in Europe – 2017, Eurydice Report, Luxembourg 2017; for the USA see: National Council for the Social Studies, The College, Career, and Civic Life (C3) Framework for Social Studies State Standards: Guidance for Enhancing the Rigor of K–12 Civics, Economics, Geography, and History, Silver Spring 2013.
- 17 S. Barsotti, The fairy tale: recent interpretations, female characters and contemporary rewriting. Considerations about an “irresistible” genre, “Ricerche di Pedagogia e Didattica – Journal of Theories and Research in Education” 2015, vol. 10, no. 2, p. 70.
- 18 B. Bettelheim, The Uses of Enchantment: the Meaning and Importance of Fairy Tales, New York 1989, 2.
- 19 V. Propp, Istoricheskie korni volshebnoy skazki (The Historical Roots of the Wonder Tale). Leningrad 1986, *passim*; J. Zipes, *op. cit.*
- 20 D. Carpi, Fables of the Law. A literary perspective, (in:) D. Carpi, M. Leiboff (eds.), Fables of the Law. Fairy Tales in a Legal Context, Berlin/Boston 2016, p. 6.
- 21 D. Vučković, A fairy tale (r)evolution: the value and the critical reading of fairy tales in the contemporary educational context, “History of Education & Children’s Literature” 2018, vol. 13, no. 2, p. 336.
- 22 J. Lull, Evolutionary communication: an introduction, New York 2020; G. Antonelli, L’è-taliano fra storia e leggende, (in:) S. Lubello (ed.) L’è-taliano. Scrittori e scritture nell’era digitale, Florence 2016, p. 11.
- 23 C. Schwabe, The Fairy Tale and Its Uses in Contemporary New Media and Popular Culture Introduction, (in:) C. Schwabe (ed.), The Fairy Tale and Its Uses in Contemporary New Media and Popular Culture, Basel 2016, p. 2.

themselves in the new era.<sup>24</sup> In this regard, animated movies – especially those depicted by Disney since the beginning of the 1930s – have allowed children, adolescents, and adults to rethink society<sup>25</sup> and have replaced the written fairy tales.

In order to understand the educational power that fairy tales might have for the understanding of legal concepts, it is worth taking some examples. The aim of the following pages is to highlight how using examples presented in fairy tales, especially in the new form of animated movies which is more popular today, can allow children and adolescents to understand the concept of property in the various forms in which it is present in the contemporary legal framework.

The examples taken are from two fairy tales: *Up*<sup>26</sup> and *The Emperor's New Groove*.<sup>27</sup> The plots will be summarized before we consider the houses of the protagonists of the two fairy tales, which will be relevant for the discussion.

## 2. Fairy Tales: *Up* and *The Emperor's New Groove*

### 2.1. *Up*'s Plot

Carl Fredricksen, a timid eight-year-old in the 1930s, is an admirer of the renowned explorer Charles F. Muntz, who was said to have discovered Paradise Falls, the most beautiful place on earth. When older, Carl meets Ellie, another Muntz lover, they fall in love and marry with the dream to relocate Ellie's clubhouse to a cliff that looks out over Paradise Falls. They move into Ellie's clubhouse and decide to live there for the rest of their lives before eventually relocating next to Paradise Falls. But they never actually carry out this plan. Life passes by for both Carl and Ellie, who becomes ill out of the blue and dies quite quickly. Years go by, and one by one skyscrapers supplant Carl's old neighborhood, but he obstinately refuses to sell his home. The court declares him a danger to the public after he unintentionally hurt a construction worker and orders him into a retirement home. Carl, however, has other ideas. Together with a teenage Wilderness Explorer called Russell, he affixes his house with hundreds of helium balloons that he accumulated from his previous employment as a balloon salesman. After numerous adventures they finally manage to arrive with

24 D. Haase, Television, (in:) D. Haase, A. Duggan (eds.), *Folktales and Fairy Tales: Traditions and Texts from around the World*, 2nd ed. 4 vols, Santa Barbara 2016, p. 1010.

25 T.L. Mollet (a), *A Cultural History of the Disney Fairy Tale: Once Upon an American Dream*, Cham 2020, p. 6.

26 The animated movie was produced by Walt Disney in 2002. For a critique on the movie see: H. Silverman, *Groovin' to Ancient Peru: A critical analysis of Disney's The Emperor's New Groove*, "Journal of Social Archeology" 2002, vol. 3, no. 2, p. 298 ff.

27 The animated movie was produced by Pixar in 2009. See also: Aleteia, *The Amazing True Story of the Woman Who Inspired the Movie "Up"*, 11 March 2014, <https://aleteia.org/2014/03/19/the-amazing-true-story-of-the-woman-who-inspired-pixars-up/> (12.06.2022).

the house at Paradise Falls, where the house softly lands on the ground next to the cliff, just where Ellie had always imagined it, and thus Carl fulfils his promise to her.

### 2.1.1. Carl's House

The main characters in Carl's story are Carl himself and his house. In fact, as Pixar stated upon the release of the movie, "the Pixar team treated Carl's house like a film character, touring vintage Oakland and Berkeley neighborhoods to cast for the right mix of comfort and familiarity, with just a touch of melancholy."<sup>28</sup> For instance, it is worth noting that the entire story is related to the house.

Indeed, the house represents Carl's personal and professional life (as he has always lived there and he created his balloons behind its walls), Carl's love life (as it is the place where he has lived with Ellie), and also his future (after the eviction notice and the court order to move into a retirement home, the protagonist decides that he still wants to live there).

In the movie, Carl's house is a main character of his identity as a human being. It is thus more than an "immovable" property depicted in many legal provisions. For example, if we take into consideration article 832 of the Italian Civil Code, which states that the owner has the right to "enjoy and dispose of things in the most absolute manner, provided they are not used in a way prohibited by the laws or statutes", is it possible to note that within the text it is not possible to capture the "personalistic" shape that the right to property can have, especially if related to someone's own house.<sup>29</sup>

### 2.2. The Emperor's New Groove's Plot

The plot of the movie *The Emperor's New Groove* revolves around Emperor Kuzko, an egocentric ruler of an ancient American kingdom. Emperor Kuzko plans to build a large summer villa on the site of the home of village leader and llama farmer Pacha. But after firing his royal adviser Yzma from her job, she and her assistant Kronk plan to kill Kuzko and take the imperial throne. The plan almost succeeds when they attempt to poison the emperor at a dinner party, but instead of dying, Kuzko is transformed into a llama by the potion. In an attempt to dispose of the llama's body, Kronk ends up putting the emperor in a sack on the back of Pacha's cart. When Pacha realizes that the llama in his cart is Emperor Kuzko, he strikes a bargain to return him to the throne, letting him keep his village home. Kuzko agrees, planning secretly to betray Pacha. They travel through the jungle and encounter many dangers, all while Yzma enjoys her time on the throne until she learns that Kuzko is still alive. Yzma and Kronk leave the palace to search for Kuzko. Hitting a few roadblocks and misunderstandings along the way, Kuzko and Pacha eventually resolve their differences and

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28 Pixar, Feature Films – *Up*, <https://www.pixar.com/feature-films/up> (20.09.2022).

29 I. Farè, *Il discorso dei luoghi*, Naples 1991, p. 91.

become good friends. When Kuzko and Pacha finally arrive at the palace, Yzma attempts to kill them both, using a variety of potions and guards to fight them. She accidentally takes a potion herself, transforming herself into an adorable but nonetheless ferocious kitten, while Kuzko manages to return back to his human form. The empire is his once more. In the end, Kuzko decides to keep his word and let Pacha keep his home. Kuzko and Pacha remain friends and enjoy time together with Pacha's family, while Kronk goes on to be a scout leader of a small patrol, which also happens to include Yzma, who is stuck in her kitten form.

### 2.2.1. Pacha's House

The *Emperor's New Groove* tale is mostly concentrated on analysing Kuzko's ego-centric persona, while the personal story of Pacha and his family is left to one side.

The analysis into Pacha's personal life and character begins when he meets with Emperor Kuzko at the imperial palace. When the emperor communicates to the llama farmer his intention to evict him from his house in order to build his villa, Pacha expresses his disappointment regarding his project and tells him that "his house is the house where also his parents grew up" and that "he and his family have lived there for generations". These protests do not move Kuzko and the ruler still wants to build his villa on Pacha's land.

When Pacha is heading back to his house to announce to his family the emperor's decision, there is a touching scene in which it is possible to feel his anger and his pain on being obliged to forever leave his house because of Kuzko's order. As the story continues the farmer's character is better depicted and it is possible to see that he lives in his house with his wife (who is pregnant) and his two little sons. From the movie it is also possible to understand that Pacha's house is also his place of work, as he farms llamas.

We can conclude that what stands out in the entire story is the relationship and the attachment that Pacha has with his house, as it represents more than just a place to live. The story brings to mind the words of Karjalainen, who stated that "house is a material object, but home is a relation ... home is an emotionally based and meaningful relationship between dwellers and the dwelling places."<sup>30</sup> And this is the exact relationship between Pacha and his house which can be seen in the tale.

## 3. Discussion: A New Definition of Property within the EU

Thanks to the previous analysis it was possible to highlight the relationship between each protagonist and his house. For instance, it has become clear that both Carl and Pacha have a sentimental and special relationship with their homes. In light

30 P.T. Karjalainen, House, home and the place of dwelling, "Scandinavian Housing & Planning Research" 1993, vol. 10, p. 71.



of this, it is necessary to contextualize these fairy tales into the current legal scenario, thus providing a legal point of view on the fairy tales' outcomes.

Analysing the two fairytales it is worth noting that both Carl Fredricksen and Pacha have a special relationship with their houses which goes beyond the *res* as physically intended. For the first one, his house reminds him of his youth and his marriage with Ellie. For the second one, his house up on the hills in the farmer's village symbolizes his affective relationship with the property, as well as his professional workspace as a llama farmer. Both of them are victims of eviction orders. Carl Fredricksen is pursued by the enterprise to sell his property in order to allow the enterprise's economic expansion. Pacha receives an eviction order from Emperor Kuzko (the public authority) in order to allow the construction of the emperor's new villa.

It is possible to affirm that both in Fredricksen's and Pacha's cases there are elements that can be included within Article 8 of the European Convention on Human Rights – “Right to respect for private and family life” – and Article 1 Protocol 1 – “Protection of property” – of the European Convention on Human Rights. The language used by the fairy tales to describe the legal problems that Carl and Pacha are facing allows anyone, especially children, to understand the new meaning of the right to property within our contemporary society. For instance, it has become common knowledge between legal practitioners that, within the European Convention of Human Rights, the right to property has been disciplined by Article 8 ECHR and by Article 1 Protocol 1 ECHR.<sup>31</sup>

The protection extended to the right to property – especially thanks to Article 8 devoted to private and family life – has increased the borders within which real estate property is today seen as a right among humans. In fact, it is also thanks to the European Court of Human Rights that, today, property has lost its meaning only as a material good, but has become something that goes beyond the physical and economic *res*<sup>32</sup>.

The social function attributed to property rights has increased its relevance within legal practitioners and doctrine, allowing a development of the concept that property rights are beyond the actual material good<sup>33</sup>. Private property has become

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31 On the relationship between Article 1 Protocol 1 ECHR and Article 8 ECHR see: European Court on Human Rights, Guide on Article 1 of Protocol No. 1 to the European Convention on Human Rights, Strasbourg 2021, p. 49, according to which the two articles might seem overlapping regarding the concepts of home and property. Still the ECtHR states that the difference between the two concepts lies in the personal ties that an individual has with the property.

32 In the same sense see: T. Nieborak, Human Rights in the Light of the Process of Financialisation, “Białystok Legal Studies” 2021, vol. 26, 5, p. 161 ff.

33 C. Tenella Sillani, I diversi profili del diritto di proprietà, “Rassegna Diritto Civile” 2013, vol. 4, p. 1060; B. Sirgiovanni, Dal diritto sui beni comuni al diritto ai beni comuni, “Rassegna Diritto Civile”, 2017, p. 240.



something more, and it is now intended as “an instrument able to fulfil human dignity”<sup>34</sup>.

Analyzing property law in the text of the ECHR, it is necessary to start our reflection by defining the concept of “home” within the meaning of private and family life of Article 8 paragraph 1 ECHR. In this regard, the copious jurisprudence of the European Court of Human Rights helped to reshape the meaning of property rights.

In fact, today, the Strasbourg Court does not intend as “home” exclusively traditional apartments and houses but includes in the meaning of “home” also caravans, other mobile homes<sup>35</sup> as well as those places where a certain person carries out his professional and/or working activity<sup>36</sup> and all those activities that can be included in his private and family life<sup>37</sup>. It is the ECtHR’s common opinion that nowadays the link between the domicile and the person complaining of a violation must be lasting and meaningful in a material and affective way.

With regard to the stories considered in this paper, both Carl’s and Pacha’s houses fall within the meaning of “home” highlighted by the ECtHR. Both protagonists carry out in their respective homes a personal activity and professional activity that can be linked to the article’s meaning. For both it is the centre of their family life (Carl’s wife Ellie or Pacha’s wife and his children) and both carried out a professional activity there such as designing balloons or farming llamas.

However, it is thanks to the concept of “private life”, linked to that of domicile (home), that Article 8 of ECHR provides full protection to those who complain about a property violation within the Convention’s meaning.

“Private (and family) life” in Article 8 of the ECHR is a broad concept for which it does not seem possible to give an exhaustive or even unambiguous definition. The definition of “private and family life” includes in its notion both the physical and the psychological integrity of a person<sup>38</sup>, the right to establish and develop relationships

34 P. Perlingieri, *Introduzione alla problematica della proprietà*, Camerino, 2011, p. 6.

35 On the relationship between professional activity and Article 8 see: Judgment of ECtHR of 30 March 1989 on the case of *Chappell v. United Kingdom*, application no. 10461/83 para. 26; Judgment of ECtHR of 16 April 2002 on the case of *Société Colas Est et al. v. France*, application no. 37971/97, para. 41; Judgment of ECtHR of 25 April 2005 on the case of *Buck v. Germany*, application no. 41604/98, para. 31; Judgment of ECtHR of 9 September 2016 on the case of *Popovi v. Bulgaria*, application no. 39651/11, para. 103.

36 Judgment of ECtHR of 29 September 1996 on the case of *Buckley v. United Kingdom*, application no. 20348/92, para. 52; Judgment of ECtHR of 18 January 2001 on the case of *Chapman v. United Kingdom*, application no. 27238/95, para. 71; Judgment of ECtHR of 24 September 2012 on the case of *Yordanova et al. v. Bulgaria*, application no. 19009/04, para. 103.

37 The limits to this extensive interpretation of Article 8 are stated in the Judgment of ECtHR of 18 December 1996 *Loizidou v. Turkey*, application no. 15318/89, para. 66, for which Article 8 does not apply if it is an uninhabited property or an empty or under construction building.

38 Judgment of ECtHR of 26 March 1985 *X e Y v. The Netherlands*, application no. 8978/80, para. 22.

with other human beings<sup>39</sup> and other aspects concerning a person's physical and social identity<sup>40</sup> as well as his or her right to personal fulfilment or his or her right to self-determination.<sup>41</sup>

Also in these cases, our protagonists fit within the meaning of "private and family (life)" as both of them cherish behind the house's walls an affective and meaningful relationship.

Above all, as far as this paper is concerned, the concept of private life encompasses the emotional ties of a person<sup>42</sup> (e.g. the relationship between Carl Fredrickson and his wife Ellie) but also the professional ones<sup>43</sup> (e.g. Pacha and his llama farm). Therefore today, a violation of the right to property according to Article 8 of the ECHR and Article 1 Protocol 1 ECHR includes not only actual damage or violation of the right in the direct relationship between the individual and the property but also the emotional, personal and professional relationship between the *res* and the individual.

In fact, the doctrine has affirmed that today, there is not only a right to property, but also a right to remain in your own homeland, thus underlining the affective relationship between an immovable property and its possessor.<sup>44</sup>

## Conclusions

In light of the current analysis, it has become clear how the example fairy tales can be useful to allow almost everyone to comprehend difficult legal concepts – such as those reflecting the meaning of "house" and "home" and the emotional ties that can be linked with its loss as expressed recently by the legal doctrine and jurisprudence of the European Court of Human Rights – since fairy tales have the social function to allow children to understand the adult world as well as to unite cultures.<sup>45</sup>

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39 Judgment of ECtHR of 16 December 1992 on the case of *Niemietz v. Germany*, application no 13710/88, para. 29.

40 Judgment of ECtHR of 4 September 2002 on the case of *Mikulić v. Croatia*, application no. 53179/99, para. 53.

41 Judgment of ECtHR of 29 April 2004 on the case of *Pretty v. United Kingdom*, application no. 2346/02, para. 61.

42 Judgment of ECtHR of 24 January 2017 on the case *Paradiso-Campanelli v. Italy*, application no. 25358/12, para. 159.

43 Judgment of ECtHR of 13 November 2017 on the case of *Jankauskas v. Lithuania*, application no. 50446/17, para. 56; Judgment of ECtHR of 5 September 2017 on the case of *Bărbulescu v. Romania*, application no. 61469/08, para. 71.

44 L. Vicente, L. Ruggeri, K. Kashiwazaki, *Beyond Lipstick and High Heels: Three Tell-Tale Narratives of Female Leadership in the United States, Italy, and Japan*, "Hastings Women's L.J." 2021, vol. 32, 3, p. 13 ff.

45 J. Zipes, *op. cit.* On the positive impact of fairy tales on children see: L. Viskoknox Johnson, *The Positive Impacts of Fairy Tales for Children*, "University of Hawai'i at Hilo Hohonu" 2016, vol. 4, p. 78.

Secondly it is necessary to highlight that many studies have agreed upon the usefulness of videos as an educational tool. The potential of the medium of video (and thus animated cartoons and animated tales) is very high as the expressed message can be integrated in elements such as sound, image, text and speech,<sup>46</sup> thus democratizing the message that is to be expressed.<sup>47</sup>

It can therefore be suggested that this methodology of explaining legal concepts through fairy tales (including tales depicted in animated cartoons) can be used among primary school, high school and university students. As a concrete and effective medium, the fairy tale will allow anyone, based on the specific age, to understand legal concepts, enhancing their knowledge of society and community.

In this regard, two projects that adopt this methodology can be brought to the readers' attention. The first one is *Diritto e Fiabe*,<sup>48</sup> an Italian legal journal founded by Ivan Allegranti in 2015 which explains, especially to university students, legal concepts and encompasses the subjects of civil law, criminal law, administrative law, constitutional law, commercial law and law philosophy.

The second one is the recently launched project by *Diritto e Fiabe* and the European Law Students' Association (ELSA Italia)<sup>49</sup> "Elsa for Schools", which aims to bring legal education to high-schoolers through the explanation of legal concepts and current societal problems through fairy tales.

The importance of these two projects is based on the fact that both projects are easily replicable in every country of the world. There are many reasons for this. The first one is that, as demonstrated, fairy tales and animated movies are part of today's cultural common knowledge. The second one is that as fairy tales and animated films are widely known by most societies, using them as a medium to explain difficult concepts such as legal concepts will facilitate the understanding and learning of children and adolescents of the legal framework in which they live.

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46 J.H. Choi, S.D. Johnson, Effect of Problem-Based Video Instruction on Learner Satisfaction, Comprehension and Retention in College Courses. "British Journal of Educational Technology" 2008, vol. 38, no. 5, pp. 885–895.

47 J. Makita, An Effect of Democracy Education Using a Cartoon Video and Mock Voting: a comparative study between Japan and Papua New Guinea, SSRN, 2022, p. 6.

48 *Diritto e Fiabe*, <https://www.dirittoefiabe.it> (27.09.2022). See also Allegranti's recently launched family law handbook: I. Allegranti, *Diritto e Fiabe: La Famiglia*, Milan 2021.

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