

**History of Law and Institutions**

Code: 102197  
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	1	2

**Contact**

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**Use of languages**

Principal working language: catalan (cat)  
Some groups entirely in English: No  
Some groups entirely in Catalan: Yes  
Some groups entirely in Spanish: Yes

**External teachers**

Albert Estrada i Rius  
Daniel Vallés Muñío  
Josep Cañabate Pérez  
Sebastià Solé i Cot

**Prerequisites**

History of Law and Institutions does not require previous specific knowledge or requirements.

Distribution of groups (all with teaching in Catalan except group 03, teaching in Spanish):

Degree of Law:

Group 01: Dra. Olga Paz Torres

Group 02: Dr. Sebastián Solé y Cot

Group 03: Dr. Josep Cañabate Pérez

Group 51: Dr. Albert Estrada y Ríos

Group 52: Dr. Daniel Vallés Muñío

Degree of Law and Business Administration and Management:

Group 01: Dr. Sebastián Solé y Cot

Group 02: Dr. Sebastián Solé y Cot

**Objectives and Contextualisation**

It is a subject of basic legal training.

The course provides: a) knowledge of the basic structure and evolution of peninsular law within the framework of European history; i b) the essential historical keys for the acquisition of the legal culture that the complexity of our days demands from jurists.

The Introduction of the subject offers the terminology and the conceptual and methodological elements indispensable for its comprehension.

In the other sections of the program, which constitute the body of the subject and which refer to the different historical-judicial periods, the economic and social bases of each one are summarily explained, the general characteristics of the Law with its formative elements, the sources legal (normative, law enforcement ...) and the most important institutions, focused on the territory of present-day Spain and on the different political

communities in which it has been divided through history, and framed in culture, politics and the law of the western world.

## Skills

- Contextualizing the several forms of creation of law in its historical evolution and its current situation.
- Defending and promoting the essential values of the social and democratic State of Law.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
- Integrating the importance of Law as a regulatory system of social relations.
- Mastering the computing techniques when it comes to obtaining legal information (legislation databases, jurisprudence, bibliography...) and in data communication.
- Orally and clearly defending ideas, works, reports, documents and rulings in a structured way.
- Students must be capable of demonstrating a critical awareness of the analysis of the legal system and development of legal dialectics.
- Students must be capable of producing initiative, creative and innovative knowledge, as well as new ideas.
- Students must prove they know and comprehend the main public and private institutions in its genesis and as a whole.
- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

## Learning outcomes

1. Clearly distinguishing other rights and other legal reasons in the framework of an initial historical approach.
2. Contextualising the sources of law and the various ways for the creation of Law in the Spanish and European historical frameworks.
3. Contrasting the close connection throughout history between the legal, social, political and economic order.
4. Defending and promoting the essential values of the social and democratic State of Law.
5. Defining the genesis and fundamental evolution of public and private institutions in Spain, from the Middle Ages to the Late Modern Period of Constitutions and Codes.
6. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
7. Distinguishing the legal concepts and the actions of the institutions that respond to social practices embedded in concrete historical contexts.
8. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
9. Increasing the value of the historical signification of Law, not only as a power manifestation but specially as a emanation of society and their agents.
10. Orally and clearly defending ideas, works, reports, documents and rulings in a structured way.
11. Students must be capable of producing initiative, creative and innovative knowledge, as well as new ideas.
12. Using the sources and historical documents, paying special attention to the digitalised databases of texts and legal prosopography data banks.
13. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

## Content

The different contents are grouped into the following units, which basically consist of a general introduction and five periods identified from the legal point of view (with an expression adopted for some great masters of Italian legal historiography, it could be said that each of these periods they correspond to a diverse legal experience, in history and in relation to the present):

1. Methodological and conceptual introduction. History and Law: comparative method; historical awareness of Law; from humanism to modern legal science. Importance of History and legal culture in the formation of jurists. Critical history of Law. The new institutional history. Legal historiography and its schools.
2. The medieval legal order. Religiy Derecho The formation of the ius commune. The birth of the jurist: schools and universities. The ius commune in the different legal branches. Rights propis and legal pluralism. The rights of peninsular kingdoms.
3. Legal itineraries of the Modern Age: Renaissance and legal humanism. The Universal Monarchy: state, war, treasury, government, grace and justice. A first "globalization": the problem of the conquest of America and the incorporation of the Indies. The New Plant regime. Law and commerce: the ius mercatorum.
4. Crisis of the Law at the end of the Old Regime. Rationalist natural law. Regulatory system of the liberal Age of Law. Bourgeois revolution and law. Spanish Constitutions (1812-1931). Coding. Legal diversity existing in Spain.
5. History of social rights in the contemporary stage. Analysis with a gender perspective of the main social norms approved in the transit from the liberal state to the interventionist state.
6. Second Spanish Republic. Totalitarianism and Francoist dictatorship.

## Methodology

The development of the teaching of the subject and the training of students is based on the following activities:

(I) Directed: those that are carried out in theory classes (40.5 hours).

Teachers will make an analytical explanation of each of the study topics. Through the master lesson it is

They intend to transmit the basic knowledge of the Program, stimulate interest in historical analysis, and give answer to the doubts of the students in a collective way.

The students, in smaller groups, analyze and solve together with the professor historical-legal texts. In general, comments will be made in class, although their preparation can be done in writing before the class. The basis of the practical work is the understanding and critical application of historical regulations related to the essential content explained in the theoretical classes.

Its objective is to promote the acquisition of different transversal competences by students. To class will work different aspects of the Program from an empirical point of view, through the use of legal texts, that each student will have previously worked with the readings or materials indicated. It will work and will improve reading comprehension, critical information research, writing, individual and team work.

(II) Supervised: obligatory tutoring for the students (4.5 hours).

(III) Autonomous: external work of students (100 hours).

Individual work of the students based on readings and the search for information.

The directed work is complemented by individual and group work. The objective of this activity is to promote independence of the student in the learning process and provide analytical tools that encourage yourcritical capacity

Tutorials The learning process will be supervised by the teachers through tutorials. the teachers will be at your disposal in the hours previously established for it, to answer questions and follow the general evolution of the course.

Virtual Campus or Moodle Classroom of the subject

In classroom teaching, the Virtual Campus is a useful tool that allows students to have access to a complementary space through which they can access different teaching materials that the teacher considers important to deepen the contents of the subject.

The set of activities will be specified in each group in the classroom moodle, activated the first week of the course. In this space, the schedule of both evaluable and non-assessable activities will be specified in a precise manner. The fixed dates are irremovable, without prejudice to the fact that exceptionally and for reasons of force majeure can be modified, with sufficient notice.

(IV) Evaluation: 5 hours.

## Activities

Title	Hours	ECTS	Learning outcomes
<b>Type: Directed</b>			
Lectures	24.5	0.98	2, 3, 1, 8, 9, 12

Oral and writing presentations	25.5	1.02	2, 3, 4, 13
<b>Type: Autonomous</b>			
Evaluation	5	0.2	2, 3, 10, 5, 6, 1, 7, 8, 9, 11, 12
Reading texts and preparation	35	1.4	2, 3, 1, 8, 9, 12
Research and preparation of activities	25	1	4, 10, 5, 6, 1, 11
Study	35	1.4	2, 3, 10, 6, 8, 9

## Evaluation

The evaluation activities can be done throughout the course in part individually and in part, in groups. The evaluation is continuous and is organized according to the training activities described above.

The continuous assessment system combines the attendance to the theoretical classes, the participation in the practical classes, the realization of the evaluable activities (with a global weight of 50%) and the passing of the final exam (with a global weight of 50%). It is an essential requirement to pass the final test with a 5 so that it becomes average with the rest of evaluable activities.

The evaluable activities are distributed as follows:

- 1 final synthesis test with a value of 50% of the total rating. In case the note (5) is not obtained by continuous evaluation, the student may opt for re-evaluation.

- 2 evaluable activities with a value of 50% of the total rating. Each teacher responsible for the group at the beginning of the course will publish in detail in the classroom moodle the schedule of evaluable activities, distributed throughout the 15 weeks of classes.

These evaluable activities will be carried out mainly in the classroom, and will consist of the elaboration of text comments or tests in the classroom (20% of the grade) and the oral presentations / classroom discussions coordinated by the teachers (30% remaining). However, there may be some modification with respect to the typology, on the condition that it must always be adapted to the competencies and the evaluation percentages specified in the Evaluation Activities.

## Evaluation activities

Title	Weighting	Hours	ECTS	Learning outcomes
Exams	50%	0	0	2, 3, 10, 5, 6, 1, 7, 9, 11, 12
Oral presentations	40%	0	0	2, 4, 5, 6, 1, 11, 13, 12
Text comments / test exam	10%	0	0	3, 4, 10, 5, 6, 1, 7, 8, 9, 13, 12

## Bibliography

### References:

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Francisco TOMÁS Y VALIENTE, Manual de Historia del Derecho, Madrid, Tecnos, 1983 (4ª edº).

José Antonio ESCUDERO, Curs d'Història del Dret: fonts i institucions politicoadministratives, San Vicente del Raspeig, Publicaciones de la Universidad de Alicante, 2008.

Guadalupe GÓMEZ FERRER-MORANT, "Hacia una redefinición de la identidad femenina: las primeras décadas del siglo XX", Cuadernos de historia contemporánea, ISSN 0214-400X, Nº 26, 2004, págs. 9-22.

Paolo GROSSI, Europa y el Derecho, Barcelona, Crítica, 2007.

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António M. HESPANHA, Cultura jurídica europea. Síntesis de un milenio (edº d'A. Serrano), Madrid, Tecnos, 2002.

Marta LORENTE, Jesús VALLEJO (coords.), Manual de Historia del Derecho, València, Tirant lo Blanch, 2012.

Tomás DE MONTAGUT, Història del Dret espanyol, Barcelona, UOC, 1999.

Gloria NIELFA, ¿El siglo de las mujeres?, Cuadernos de historia contemporánea, ISSN 0214-400X, N° 21, 1999, págs. 63-82.

Sebastià SOLÉ, *Lliçons d'Història del Dret i de les Institucions* (autoedició)

Arenal: Revista de historia de mujeres, ISSN 1134-6396, Vol. 1, N° 1, 1994 (Ejemplar dedicado a: La historia de las mujeres en Europa. Revisión teórica y metodológica).