

**History of Law and Institutions**

Code: 102197  
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	1	2

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

### 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

### Teachers

Jose Antonio Gonzalez Clapham  
Laura Casas Diaz  
Daniel Vallès Muñio  
Stefania Giombini  
Alex Bas Vilafranca  
Alberto Estrada Rius

### Prerequisites

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

### 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-juridical 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.

### Competences

- Contextualizing the several forms of creation of law in its historical evolution and its current situation.
- Defend and promote the basic values of coexistence in democracy.
- 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.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- Mastering the computing techniques when it comes to obtaining legal information (legislation databases, jurisprudence, bibliography...) and in data communication.
- 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. Defend and promote the basic values of coexistence in democracy.
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. Managing bibliographic and documentary resources: databases, browsing, etc.
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 course and the training of the students correspond to the New Teaching I

Previous note regarding the health situation: the teaching of the course v  
 (I) Directed: those that take place in the master classes and in the semin  
 The classes are divided into two types: a) master classes and b) seminari  
 a) Master classes: the teachers will make an analytical explanation of ea  
 b) Seminars: students analyze and solve historical-legal texts together w

(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
Type: Directed			
Lectures	24.5	0.98	2, 3, 1, 8, 9, 12
Seminars (Oral and writing presentations, etc.)	25.5	1.02	2, 3, 4, 7, 9, 13
Type: Autonomous			
Evaluation	5	0.2	2, 3, 5, 6, 1, 7, 8, 10, 9, 11, 12

Reading texts and preparation	35	1.4	2, 3, 1, 8, 9, 12
Research and preparation of activities	25	1	4, 5, 6, 1, 10, 11
Study	35	1.4	2, 3, 6, 8, 10, 9

## Assessment

Assessment activities can be carried out throughout the course, partly individually and partly in groups. The evaluation is continuous and is organized according to the training activities previously described. The continuous assessment system combines attendance at theoretical / master classes, active participation in seminars, carrying out evaluable activities (with an overall weight of 50%) and passing the final test (with an overall weight of fifty%). Given that the final test involves the evaluation of the knowledge acquired cumulatively through continuous evaluation activities, it is an essential requirement to pass the final test with a 5/10. evaluation 1. Evaluation model The evaluation model is continuous and has the training objective that students and teachers can know the degree of achievement of the competences to guide their training process. Value of each evaluation item: individual works (20%); group work (20%); final test (50%); attendance and active participation (10%).

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.

### 2. Conditions to be evaluated

Students can only be evaluated if they attend classes with a minimum of

3. Requirements to pass the subject and recoveries

You must have a minimum grade of 5 in the four items that make up the

To pass the subject for re-evaluation, you must also have a 5 on all items

Given that this is a second chance, the maximum grade for tests and rec

4. Late presentations

They are not accepted, saving situations of force majeure. The student w

5. Excuses

Excuses for complying with obligations due to illness or force majeure re:

### 6. Fraudulent conduct

A student who copies or tries to copy on an exam will have a 0 on this te:

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Active participacion at classroom and forum/attendance	10%	0	0	3, 4, 5, 6, 1, 7, 8, 10, 9, 13, 12
Exams	50%	0	0	2, 3, 5, 6, 1, 7, 10,

Individual work (readings, essays, text comments, etc.), group work (debates, works, etc.)	40%	0	0	2, 3, 4, 5, 6, 1, 7, 8, 10, 9, 11, 13, 12
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## Bibliography

### References:

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