

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

Teachers

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

Prerequisites

The subject History of Law and Institutions does not require prior specific knowledge or requirements.

Group 01

Theory: Stefania Giombini (English) / Laura Casas Díaz (English) (1) (2)

Seminar 1. Marc Hernández Vallès (Catalan)

Seminar 2. Laura Casas Díaz (Catalan)

Seminars 3. Stefania Giombini (Spanish)

Group 02

Theory: Josep Cañabate Pérez (Catalan) / Marc Hernández Vallès (Catalan) (1) (2)

Seminars 1. Stefania Giombini (Spanish)

Seminar 2. Marc Hernández Vallès (Catalan)

Seminar 3. Josep Cañabate Pérez (Catalan)

Group 51

Theory: Àlex Bas Vilafranca (Catalan) / Albert Estrada-Rius (Catalan) (2)

Seminar 1. Albert Estrada-Rius (Catalan)

Seminar 2. José Antonio González Clapham (Spanish)

Seminar 3. Àlex Bas Vilafranca (Catalan)

NOTE (1): The theory of groups 01 and 02 is structured in thematic modules by historical stages in which professors from groups 01 to 02 will take part, and vice versa.

NOTE: (2) The theoretical classes of group 1 will be in Spanish and Catalan. In the event that students from abroad or from territories in which Catalan is not the official language enroll in the subject History of Law and Institutions, the theoretical classes of group 01 will be in Spanish. Students who do not understand Catalan from any group must join the aforementioned Group 1.

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.

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 Model approved by the Faculty Board of June 27, 2019.

(I) Directed: those that take place in the master classes and in the seminars (39 hours).

The classes are divided into two types: a) master classes and b) seminars. For this reason, each group of the course is divided by the academic management of the Faculty of Law in these two types. It is very important that the student verify in which master class and seminar group he is enrolled.

a) Master classes: the teachers will make an analytical explanation of each one of the study topics. Through the master class, the aim is to transmit the basic knowledge of the Program, stimulate interest in historical analysis, and answer the students' doubts collectively.

b) Seminars: students analyze and solve historical-legal texts together with teachers. In general, the comments will be made in class, although their preparation can be done in writing before class. The basis of the practical work is the understanding and critical application of the historical regulations related to the essential content explained in the theoretical classes. The objective of the seminar is to promote the acquisition of the different transversal competences by the students. In class different aspects of the Program will be worked from an empirical point of view, through the use of legal texts, which each student will have previously worked with the indicated readings or materials. Reading comprehension, critical information research, writing, individual and team work, as well as oral skills will be worked on and improved.

(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 your critical 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.

Surveys of evaluation of the teaching performance and of evaluation of the subject

Professor will have to allocate approximately 15 minutes of class time to allow his students to answer the surveys of evaluation of the teaching performance and of evaluation of the subject.

At the beginning of the course, a schedule will be published on the virtual campus.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

| Title | Hours | ECTS | Learning Outcomes |
|---|-------|------|-------------------|
| Type: Directed | | | |
| Lectures | 19.5 | 0.78 | 2, 3, 1, 8, 9, 12 |
| Seminars (Oral and writing presentations, etc.) | 19.5 | 0.78 | 2, 3, 4, 7, 9, 13 |

Type: Autonomous

| | | | |
|--|----|------|---|
| ASSESSMENT | 5 | 0.2 | 2, 3, 4, 5, 6, 1, 7, 8, 10, 9, 11, 13, 12 |
| Reading texts and preparation | 30 | 1.2 | 2, 3, 1, 8, 9, 12 |
| Research and preparation of activities | 35 | 1.4 | 4, 5, 6, 1, 10, 11 |
| Study | 36 | 1.44 | 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

Attendance at 80% of the seminars is mandatory to be evaluated.

It is obligatory to carry out a minimum of 80% of the individual works, the

3. Requirements to pass the subject and recoveries

You must have a minimum grade of 5 in the four items that make up the evaluation. If a student does not pass the evaluation part corresponding to the individual work, the group work or the final pass will have the possibility of making up the established day to re-evaluate. Individual work and group work are retrieved through one or more theoretical questions about the content and subjects worked on in the respective activities.

To pass the subject for re-evaluation, you must also have a 5 on all items. If this minimum score is not obtained for each item, even if the arithmetic mean of the four evaluation items exceeds 5, the final grade in the report will be suspended 4.5.

Given that this is a second chance, the maximum grade for tests and recovered work is 5.

4. Late presentations

They are not accepted, saving situations of force majeure. The student will obtain a 0 in the undelivered practice.

5. Excuses

Excuses for complying with obligations due to illness or force majeure reasons may be accepted as long as there is an official certificate. Absences for academic reasons must be previously accepted by the teaching staff.

6. Fraudulent conduct

A student who copies or tries to copy on an exam will have a 0 on this test. A student who presents a practice in which there is evidence of plagiarism or who cannot justify the arguments of their practice will receive a 0 and receive a warning.

7. Distinctions (*Matrícula d'Honor*)

Students who obtain a grade of 9 or higher on the final grade may obtain a distinction grade (Matrícula d'Honor). An evaluation committee will be formed among all the professors of the group, which will evaluate with objective criteria if any student meets the requirements of excellence required to obtain this qualification. In any case, by academic regulations, only a maximum of 5% of honorary enrollments can be awarded out of the total number of students enrolled in a course. The evaluation committee with objective criteria may decide not to award any distinction.

Assessment Activities

| Title | Weighting | Hours | ECTS | Learning Outcomes |
|--|-----------|-------|------|---|
| Active participacion at classroom and forum/attendance | 10% | 1 | 0.04 | 3, 4, 5, 6, 1, 7, 8, 10, 9, 13, 12 |
| Exams | 50% | 2 | 0.08 | 2, 3, 5, 6, 1, 7, 10, 9, 11, 12 |
| Individual work (readings, essays, text comments, etc.), group work (debates, works, etc.) | 40% | 2 | 0.08 | 2, 3, 4, 5, 6, 1, 7, 8, 10, 9, 11, 13, 12 |

Bibliography

Compulsory references

Tamar HERZOG, *Una breve historia del derecho europeo. Los últimos 2500 años*. Alianza Editorial, 2019.

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

(Available in

https://catalog.uab.cat/iii/encore/record/C__Rb2040831__Smanual%20de%20historia%20del%20derecho__Orig

References:

Bartolomé CLAVERO, *Manual de historia constitucional de España*, Madrid, Alianza Editorial, 1989.

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.

Paolo GROSSI, *El orden jurídico medieval*, Madrid, Marcial Pons, 1996.

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.

Alfredo J. MARTÍNEZ GONZÁLEZ, *Formación Histórica del derecho. Del primitivismo jurídico al ius Commune*, Tecnos, Madrid 2019

Gloria NIELFA, *¿El siglo de las mujeres?*, *Cuadernos de historia contemporánea*, ISSN 0214-400X, Nº 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, Nº 1, 1994 (Ejemplar dedicado a: La historia de las mujeres en Europa. Revisión teórica y metodológica).

On-line resources

Revista Historia Constitucional <http://www.historiaconstitucional.com/index.php/historiaconstitucional>

Ius Fugit <https://iusfugit.com/>

Quaderni Fiorentini <http://www.centropgm.unifi.it/quaderni/indici.htm>

Cuadernos de Historia del Derecho <https://revistas.ucm.es/index.php/CUHD>

Revista de Dret Històric Català <https://raco.cat/index.php/RevistaDretHistoric>

Journal of Legal Pluralism and Unofficial Law <https://www.tandfonline.com/toc/rjlp20/current>

Revista de Historia de Estudios Histórico-jurídicos <http://www.rehj.cl/index.php/rehj>

Software

This subject doesn't use any software.