VNIVERSITAT DE VALÈNCIA

Course Guide
35201 History of Law

COURSE DATA

Data Subject	
Code	35201
Name	History of Law
Cycle	Grade
ECTS Credits	9.0
Academic year	2020 - 2021

Study (s)

Degree	Center	Acad. year	Period
1303 - Degree in Law	Faculty of Law	1	Annual
1921 - D.D. in Business Management Administration-Law	Doubles Studies Faculty of Law - Faculty of Economics	1	Annual
1922 - D.D. in Law-Political and Public Administration Sciences	Faculty of Law	1	First term
1923 - D.D. in Law-Criminology	Faculty of Law	1	First term

Subject-matter

Degree	Subject-matter	Character
1303 - Degree in Law	4 - History of law	Basic Training
1921 - D.D. in Business Management Administration-Law	2 - Year 1 optional subjects	Optional
1922 - D.D. in Law-Political and Public Administration Sciences	2 - Core subjects	Optional
1923 - D.D. in Law-Criminology	2 - Core subjects	Optional

Coordination

Name	Department
VILLAMARIN GOMEZ, SERGIO EMILIANO	60 - Financial Law and History of Law

SUMMARY

The subject “History of Law” constitutes a first-year compulsory course of the law degree. It is a year-long course with 9 credits. It aims for the student to acquire a general understanding of the current law by analyzing its historical development in the Hispanic territories. It is particularly focused on the principal aspects of the elaboration of the juridical science, the knowledge of the different legal sources of each period, and an approach to some legal institutions regulated by the aforementioned sources.

First part. Understanding of the basic concepts of the course. What is history, law, history of law, and what scope does Spanish terminology have. Secondly, it is a question of knowing the principal historiography directions both of the general history and of the legal historiography, in particular the Spanish one. The indispensable questions that have to do with the production of works or historical-juridical texts, as well as its presentation (bibliography and sources…), are also approached.

Middle Ages. Analysis of the law from the Early and Late Middle Ages. The relations between nobility (fief-vassals) and between the lord and the peasant. A generic knowledge will have to be acquired on the expansion of the Christian kingdoms and the different juridical realities that originates; this supposes a minimum approach to the Muslim law. Special attention is given to the teaching of the common law. The Justinian roman law, the canon law and the common feudal law supposed the typical juridical substratum in the West for centuries, with slight differences depending on the territories and the periods of time. Organization and functioning of the universities and the creation of the legal science in the law faculties, exclusive centres of formation of the jurists from the 12th century. Study of some examples of local and territorial legislation. Finally, general features of commercial law in the Mediterranean area and in the Atlantic are also explored.

Early Modern Age. The introduction of the absolute monarchy, the increase of the real legislation and the elaboration of the compilations in the Hispanic monarchy. Scheme of the law in the ultramarine territories up to its independence in the 19th century. Brief approximation to the weak Spanish Enlightenment and to some attempts of elaborating enlightened codes. The abolition of the public foral law of the territories of the crown of Aragon and especially the abolition of the Valencian public and private law. Finally, it ensures the understanding of the changes that in the juridical science suppose the emergence of the juridical humanism, rationalism and the juridical doctrines of the “*usus modernus pandectarum*”.

Late Modern Age. This is the period which better explains the foundations of the current law. The purpose is then to understand the general principles of law since the Liberal revolution, as well as the principal legal sources (constitutions, codes, special laws and non-codified law).

PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

Other requirements

No especific requirement

OUTCOMES

1303 - Degree in Law

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- Capacidad para utilizar las herramientas informáticas para la localización de información, realización de ensayos y exposición pública de resultados o conocimientos.

LEARNING OUTCOMES

CA. 1: To analyze, understand and expose the juridical aspects of a historical source.

CA. 2: To reason juridically from the different Spanish legal traditions.

CA. 3: To detect and understand juridical realities throughout history by means of the analysis of literary and cinematographic works.

CA. 4: Use of informatic tools for the location of sources, for the drafting of essays, and for the public presentation of the results and knowledge acquired.

DESCRIPTION OF CONTENTS

1. INTRODUCTION

LESSON 1. CONCEPT AND LEGAL HISTORIOGRAPHY. Concept of History of Law. An idea of the law. Legal historiography. The three stages of history. Concept and classification of sources of knowledge.

2. MIDDLE AGE

LESSON 2. FEUDALISM. Introduction.- The origins of feudalism.- The estamental society. Social estates and its juridical status.- The relations fief-vassal.- The peasants and the seigniorial relationships.- Spanish case: Reconquest and repopulation.- Catalonian feudalism and Castilian-leonese feudalism.

LESSON 3. LAW IN THE EARLY MIDDLE AGES. Chronology and the shape of the sources.- General aspects of law in the Early Middle Ages.- Spain as a Christian territory: Catalonia, Leon and Castilian.- Municipal jurisdictions.- The jurisdiction of Cuenca and its extension process. Social classes.- The process towards the Late Middle Ages.

LESSON 4. LAW IN THE LATE MIDDLE AGES. General features of law in the Late Middles Ages.- Origins of the royal absolutism.- Organization of the Crown.

LESSON 5. RECEPTION OF THE IUS COMMUNE. Introduction.- Texts.- Feudal law and canon law.-

Dualism of common law.- jurists method: treatment of issues. Authors and literary-scientific genres.- Medieval universities.- Organizational models.- Extension of the ius commune throughout the Iberian Peninsula.

LESSON 6. ALFONSO 10th THE WISE AND THE CASTILIAN LAW. The legislation of Fernando III.- Draft and concessions of royal jurisdiction.- The upraisings of 1272.- The royal court and its lawsuits.- Codes.- The integration of the Castilian legal system.

LESSON 7. ORIGINS OF VALENCIAN LAW. Conquest and repopulation.- The costum de Valencia.- Furs of Valencia : text and content ; process of expansion.- Validity and priority order of legal sources.- The commercial law of the Mediterranean area: the consulates and the Llibre del Consolat

3. MODERN AGE

LESSON 8. ABSOLUTE MONARCHY. Chronological limits.- Absolute monarchy: bureaucracy, army and state.- Unification of Hispanias monarchy. Territorial structure and political conflicts.- Seigniorial regime: A) monarch intervention; B) the overlord territories (señoríos) in the Iberian Peninsula

LESSON 9. THE LEGISLATION OF THE EARLY MODERN AGE. General features.- Types of dispositions: forms of procedure and hierarchy.- Mechanisms of legal control.

LESSON 10. COMPILATIONS. Compilations of laws: concept, types and reasons of the compilations.- Castilian compilations: Nueva Recompilación; Novísima Recompilación.- The compilations in the crown of Aragon: the crown and the compilations.- Catalonian compilations.- Aragons compilations.- Valencian compilations.

LESSON 11. INDIAN LAW. The conquests titles. Institutions and organization.- Indian compilations

LESSON 12. DECREES OF NUEVA PLANTA AND THE BORBON INSTITUTIONS. The war and the abolition of the Furs of Valencia.- The church and the nobility.- institutional changes.- Attempts to return the fueros.- Decrees of Nueva Planta of Aragon and Catalonia.

LESSON 13. JURIDICAL DOCTRINES AND UNIVERSITY. Legal humanism.- The usus modernus pandectarum.- The natural law theory and its jurists.- Enlightened European codes and the attempts of codification in Spain.- Universities: University models and number of students.- Decline and Faculties of law.

4. CONTEMPORARY AGE

LESSON 14. THE LIBERAL REVOLUTION AND THE LAW. Chronology. The revolution and its causes. Social change and law property. Causes of the Spanish revolution. The law in the Late Modern Age: norms and principles.

LESSON 15. SPANISH CONSTITUTIONS (I). Stability or constitutional change. Periods of the constitutional history: absolutists and liberals (1808-1833). The constitution of 1812. The liberal

consolidation (1833-1868). The royal statute. Constitutions of 1837 and 1845.

LESSON 16. SPANISH CONSTITUTION (II). The glorious revolution, the restoration and the systems crisis (1868- 1931). The constitution of 1869 and the federal project of 1873. The constitution of 1876. The second republic and the period of Franco (1931-1975). Constitution of 1931. Constitutional ideas from the bourgeois parties. The structure of the power in the liberal Spain.

LESSON 17. THE LIBERAL CODIFICATION. The meaning of the liberal codes.- French and German codification. Spanish codification: revolution and codification- The first liberal codification. Commercial codification. The penal code. The failure of the project of the civil code. The civil code of 1888-1889

LESSON 18. NON-CODIFIED LAWS. Administrative law origins: public administration, its origins and organizational principles. Administrative organization. The administrative action in the different sectors. Origin of the labour law. The work during the ancient regime and the end of the guilds. The labour movement. The first labour legislation. Second period of labour law.

LESSON 19. UNIVERSITY AND LEGAL SCIENCE. Society and jurists. Universities and Faculties. The ongoing reform of the moderados. Revolution and restauración. A note on legal science.

WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	90,00	100
Development of group work	15,00	0
Development of individual work	10,00	0
Study and independent work	50,00	0
Readings supplementary material	10,00	0
Preparation of evaluation activities	30,00	0
Preparing lectures	10,00	0
Preparation of practical classes and problem	10,00	0
TOTAL	**225,00**	

TEACHING METHODOLOGY

Classes to attend

They refer to the activities in the classroom used normally by the group or subject. These hours will be distributed in the following way:

Theoretical lessons: The lecturer will expose and explain fundamental aspects that should guide students in their studies and understanding of the lessons. The student must actively engage in the learning process by reading, before the teacher's explanation, or in class, depending of the organization of teaching time, of those materials, manuals, monographs or texts provided or indicated previously.

Applied activities: They will deepen, through various materials (historic or historiographical, juridical, films or documentaries, debates, etc), on those aspects considered of most importance of the chapters. These classes will be participatory. The preparation and participation in applied activities are mandatory and evaluated. Sessions will be used to gradually introduce and get the student used to the handling of those materials and techniques of the discipline, historical and historical-juridical.

Complementary activities

It will be scheduled, into the teaching, specific activities of the subject, or of interdisciplinary character, in coordination with the groups of the same subject or other subjects that help to deepen in some issues or problems that may be of interest. For these activities we will have the appropriate teaching and administrative organization, and will be timely assessed in the context of the learning process. This will take place outside the set hours, within the times especially dedicated to them.

It offers guided tours to the historic building, of the University of Valencia, in *La Nau* street, a visit to the royal seminary college of *Corpus Christi* Valencia, as well as a guided tour to the "*Archivo del Reino de Valencia*". It may be possible to organize attendance to a conference or seminar if there is an event or historical congress which may be held at the University of Valencia.

Directed activities

As a way to reinforce the activity in class the teacher will schedule a series of activities which may consist of pre-reading or complementary lectures, research essays, etc.

Attendance to unscheduled tutorials

Students in a group may attend the office hours for students scheduled by each lecturer to solve any doubts on any topic or aspect related to the course or related, in any case, to the work being performed at that specific moment.

20/21 First Term

The implementation of complementary activities outside the centre will depend on their sanitary viability.

For all those vulnerable or affected students, the methodology will be adapted to the following non-

presential activities:

-Individual work assigned.

-Tutorials by videoconference.

-Development of individual projects

- Others (to be specified)

Professors turn their tutorships into virtual ones in at least 50% of the hours planned, without prejudice of increasing this percentage individually in order to achieve 100% of the same if it is considered appropriate.

EVALUATION

The final evaluation of the course will be made according to the following percentages:

- Midterm exam , if any, and final examination in the second term (oral/s or written): up to 70%.

- Active learning dynamics in class and directed activities; objective tests and previous study work; and complementary activities a minimum of 30%.

To pass the course the student must obtain 50% of the percentage allocated to the final exam (oral or written).

20/21 First Term

It is allowed that students with special situations (Covid vulnerable people) realize the EC without inconveniences. Therefore, those who value class attendance will be flexible with these situations.

REFERENCES

Basic

- PESET, M. y otros, Historia del derecho, Valencia, 2004.
TOMÁS Y VALIENTE, F., Manual de Historia del Derecho Español, 4ª ed., Madrid, 1983.
CLAVERO, B., Manual de historia constitucional de España, 3ª ed., Madrid, 1992.
CLAVERO, B., GACTO, E., ALEJANDRE, J. A., Temas de historia del derecho, Sevilla, 1977-79.
CORONAS GONZÁLEZ, S., Manual de Historia del Derecho Español, Valencia, 1996.
ESCUDERO, J. A., Curso de historia del derecho. Fuentes e instituciones político-administrativas, Madrid, 1985.
GARCÍA GONZÁLEZ, J., Historia del derecho español. Introducción y exposición cronológica, Valencia, 1979.
Historia del derecho español, II, Textos, Valencia, 1977.
MONTAGUT I ESTRAGUES, T. y MALUQUER DE MOTES I BERNET, C.J., Història del Dret Espanyol, Barcelona, 1997.
PÉREZ PRENDES, J. M. Y AZCÁRRAGA, J. DE, Lecciones de Historia del Derecho Español, 3ª ed., Madrid, 1997.
LORENTE, M. Y VALLEJO, J., Manual de Historia del Derecho, Valencia, 2012

Additional

- J.Mª Puyol Montero, Un balance de 25 años de historiografía histórico-jurídica en España (1973-1998)

MASFERRER, A., OBARRIO, J.A., Textos de Historia del Derecho. Con cuestiones para su análisis y comentario. Dykinson, 2009
HESPANHA, A. M., História das instituições. Epocas medieval e moderna, Coimbra, 1982.

ADDENDUM COVID-19

This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council

1. Content

Hybrid Teaching:

The contents are maintained in the terms initially foreseen in the academic guide.

Non-attendance teaching:

The provisions for hybrid teaching are maintained also here.

2. Workflow and teaching schedule

Hybrid Teaching:

The parameters of the regular guide are maintained.

Non-presential teaching:

The parameters established for hybrid teaching are maintained also here.

3. Teaching methodology

Hybrid teaching:

As soon as health conditions impose it, this subject will be adapted to the hybrid teaching model established by the Faculty of Law, meaning that theoretical-practical face-to-face classes will be taught in discontinuous weeks for the student. For this purpose, the Secretary's Office of the Faculty will proceed to divide the group into as many subgroups as necessary, teaching in the classroom, in the schedule established for the subject, to one of the subgroups in each week according to the calendar established by the Faculty, with the possibility of providing for the others:

- as a priority, monitoring of the class through synchronous VIDEOCONFERENCE; if this is not possible, it will be recorded and made available for viewing at any time during the week.

- autonomous work, theoretical or practical, guided and tutored by the teaching staff, proposed through videos, voice-over presentations, diagrams, written material, guided readings...

The individual or group tutorials will be developed through institutional mail or through the virtual classroom tools; in case of face-to-face tutorials, all safety and hygiene measures will be respected. The complementary activities will be carried out preferably in non face-to-face mode through the webinar format.

Non-attendance teaching:

When, according to the instructions of public health and university authorities, the evolution of the pandemic does not allow the subject to be taught in hybrid teaching model, this subject will be taught in a non face-to-face way for all students, under the same conditions indicated for the non face-to-face teaching part of the hybrid system. The provisions on tutorials and complementary activities of the latter indicated above will also be applicable.

During the month of February 2021 this non-attendance teaching model will be followed, which will be adapted to the provisions of the Instruction of the Rector of January 28, 2021 and the "Adjustments in the document of adaptation of the undergraduate degrees of the Faculty of Law of the University of Valencia in the second quarter of the academic year 2020/2021 due to the health crisis caused by the pandemic caused by COVID-19". This model will be reviewed and adapted, if necessary, to the instructions

received by the Faculty and the University depending on the evolution of the circumstances.

4. Assessment

Hybrid teaching:

The assessment is maintained in the terms initially foreseen in the academic guide. The final exam of the year will be face-to-face (always complying with the regulations of capacity and interpersonal distance, for which it will be sequenced in two shifts if necessary), unless otherwise provided by law.

Non-attendance teaching:

The evaluation is maintained in the terms initially foreseen in the academic guide. The final exam of the course will be face-to-face (always complying with the regulations of capacity and interpersonal distance, for which it will be sequenced in two shifts if necessary), unless otherwise provided by law.

5. Bibliography

To complete the bibliography established in the ordinary guide, the following materials can be accessed online: https://correa.blogs.uv.es/materiales/. All this will be completed with the specific materials that teachers can make available to students through the Virtual Classroom.