

**COURSE DATA****Data Subject**

Code	36760
Name	History of Law
Cycle	Grade
ECTS Credits	7.5
Academic year	2021 - 2022

Study (s)

Degree	Center	Acad. Period
1933 - Double Degree in Law and Economics_2022	Faculty of Economics	1 First term

Subject-matter

Degree	Subject-matter	Character
1933 - Double Degree in Law and Economics_2022	1 - Asignaturas de primer curso	Obligatory

SUMMARY

The subject “History of Law” constitutes a first-year compulsory course of the double law/economics degree. It is a midterm one with 7.5 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”.

Contemporary 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

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

COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)

LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)

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

To reason juridically from the different Spanish legal traditions.

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

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. An idea of law. Legal historiography. Concept and classification of sources.

2. MIDDLE AGES

LESSON 2. FEUDALISM Origins of feudalism.- Estates and social classes.- Vassalage and Lordy relationships.- Hispanic conquest and repopulation.- Catalan and Leonese-Castilian feudalism.

LESSON 3. LAW IN THE MIDDLE AGES Generic features of law in the Early Middle Ages.- Local legal dispositions: from the frontier to the Fuero Juzgo.- Law Generic features in the Late Middle Ages.- Origins and organization of the Crown.-

LECTION 4. COMMON LAW AND TRADE LAW Roman-canonical common law: chronology, origin, causes and extension.- The universities.- Trade law in the Mediterranean area: the consulates.

LESSON 5. CASTELLAN LAW AND VALENCIAN LAW From Ferdinand III to the Partidas and the Fuero Real.- The Order of Alcalá.- The Conquest and repopulation of Valencia.- The Costum.- Els Furs.- Validity and priority of sources.-

3. MODERN AGE

LESSON 6. THE ABSOLUTE MONARCHY Unification and organisation of the Hispanic Monarchy.- Territory and political conflicts.- The feudal system: A) Intervention of the crown; B) The feudal estates in the Peninsula.

LESSON 7. LEGISLATION IN THE MODERN AGE General features: Types of provisions: form and hierarchy.- Mechanisms of legal control.- Compilations of laws: concept, types and reasons for compilations.- Law of the Americas and American institutions.-

LESSON 8. BORBON REFORMISM AND THE NEW PLANT The war and the abolition of the Furs de València.- Church and Nobility.- Institutional changes - Attempts to return the fueros.- The New Plant in Aragon and Catalonia.-

LESSON 9. LEGAL SCIENCE AND ENLIGHTENMENT Law and universities.- Legal humanism.- The usus modernus pandectarum.- Modern natural law and its jurists.- European Enlightenment codes and attempts at codes in Spain.

4. CONTEMPORARY AGE

LESSON 10. THE LIBERAL REVOLUTION AND LAW Chronology, laws and principles.- The revolution and its causes.- Social change and property law.- The revolution in Spain.

LESSON 11. SPANISH CONSTITUTIONS Constitutional ideas and the reality of political power.- Constitutional stability or change.- The Constitution of 1812.- Liberal consolidation (1833-1868).- The Glorious Revolution, the Restoration and the crisis of the system (1868-1931).- The Second Republic and Francoism (1931-1975).

LESSON 12. LIBERAL CODIFICATION The aim of liberal codes.- French and German codification.- Codification in Spain.- Commercial code.- Criminal code.- Civil code.



LESSON 13. THE NON-CODIFIED LEGAL SYSTEM The public administration, its origins and organisational principles.- Origins of labour law.- First labour legislation.- Second stage of labour law.

LESSON 14. UNIVERSITY AND LEGAL SCIENCE Society and jurists. Universities and faculties. Notes on legal science.

WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	75,00	100
Development of group work	15,00	0
Development of individual work	9,00	0
Study and independent work	40,50	0
Readings supplementary material	8,00	0
Preparation of evaluation activities	25,00	0
Preparing lectures	7,00	0
Preparation of practical classes and problem	8,00	0
TOTAL	187,50	

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 tutorial:** 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.

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)

In the academic year 2021-2022 all teaching staff will take part in the virtual tutorship programme regulated by the ACGUV 200/2011 in order to attend 50% of the tutorships that belong to them. The remaining 50% will be attended in person at the facilities of the Universitat de València and in the timetable established and communicated for this purpose. In this regard, the use of synchronous videoconferencing, from the place and in the timetable of the face-to-face tutorship, will be a valid option to attend them.

EVALUATION

The final evaluation of the course will be made according to the following percentages: - Final examination (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).

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, Lecciones de historia del derecho, Valencia 2020
- TOMÁS Y VALIENTE, F., Manual de Historia del Derecho Español, Madrid, 2001.
- 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.
- ESCUADERO, J. A., Curso de historia del derecho. Fuentes e instituciones político-administrativas, Madrid, 2012.
- 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, 1999.
- 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.M^a Puyol Montero, Un balance de 25 años de historiografía histórico-jurídica en España (1973-1998)
- MAFERRER, 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

HYBRID TEACHING

If the academic authority decides so, this subject will be adapted to the hybrid teaching model established by the Faculty of Law, meaning that regular theoretical-practical classes will be taught indiscontinuous weeks for the students. For this purpose, the Secretary's Office of the Faculty will divide the group into as many subgroups as necessary, ordering classroom teaching, in the timetable established for the subject, to one of the subgroups each week in accordance with the calendar established by the Faculty, giving priority to monitoring the class through synchronous VIDEOCONFERENCE for the ones outside the classroom. The contents, workload and assessment are kept in the terms initially foreseen in the academic guide.

NON-ATTENDANCE TEACHING

If the academic authority establishes the change to NON-ATTENDANCE TEACHING, this subject will be taught for all students under the same conditions as those indicated for the NON-ATTENDANCE TEACHING part of the hybrid system. The contents, workload and assessment will be maintained in the terms initially foreseen in the academic guide.