

History of Law thematic contents

Brief description

The purpose of this class is to study the juridical phenomenon in its temporal dimension and its development in a Spanish and European environment. It is an introduction to the world of Spanish law from a historical point of view, from primitive to current times, with references to comparative law. The course focuses on the origins of law and its institutions, on their evolution, sources of creation, different manifestations and legal traditions, and connection to contemporary legal issues.

Thematic contents

1. Basic concepts: the scope of the legal phenomenon and historicity of law.
 - a. The concept of history and its utility.
 - b. The concept of law and its utility.
 - c. The concept of the History of Law. Its sources. Its role in legal studies.
2. The legal legacy of the ancient world: the Roman inheritance and the contributions of the Visigoths.
 - a. The law of the indigenous peoples of the Spanish Peninsula.
 - b. Romanization and Christianization of law; the Roman inheritance.
 - c. Contribution of the Visigoths.
3. Medieval law, the creation of *ius commune* and its reception.
 - a. The survival of Roman-Visigoth legal traditions in the medieval ages.
 - b. The formation of privileged laws.
 - c. The medieval *ius commune*.
 - d. The re-romanization of the West.
4. The law of the Spanish Monarchy and its expansive and unifying objectives: the triumph of Absolutism.
 - a. The triumph of absolutism: the foundations of the modern legal system and the foundation of the modern state.
 - b. The conquest of America and the Indian Law.
 - c. The end of absolutism.
5. The legal elements of the liberal state, the Constitution and legal code.
 - a. The age of constitutions: modern constitutional thought. Civil and common law traditions.
 - b. The legal code. The French Revolution, the Napoleonic Regime and their influences in Spain and in Europe.
 - c. The crisis of the state.
6. Seminar of contemporary institutions:
 - i. Government
 - ii. Democracy and forms of political participation.
 - iii. Monarchy.
 - iv. Parliament.
 - v. Judiciary.

- vi. The process of legal unification of Spain and its territorial organization.
- vii. Crimes against human life and dignity.
- viii. Death penalty.
- ix. Jury.
- x. University.

Evaluation and grading:

The final grade will be determined according to the evaluation of the following activities:

- Practical activities: 45%
- Active participation: 10%
- Final exam: 45%

Basic textbooks: (main parts in electronic and hard copy versions available).

- R.C. van Caenegem, *An Historical Introduction to Western Constitutional Law*, Cambridge University Press, 1996.

- R.C. van Caenegem, *European Law in the Past and in the Future*, Cambridge University Press, 2002.

- Mary Ann Glendon, Paolo G. Carozza and Colin B. Picker, *Comparative Legal Traditions*, Thomson/West 2008.

- Paolo Grossi, *A History of European Law*, Wiley-Blackwell, West Sussex, 2010.