Historical Foundations of the legal system

Academic Year: (2019 / 2020) **Review date: 28-05-2019**

Department assigned to the subject: Criminal Law, Procedural Law and History Law Department

Coordinating teacher: MARTINEZ NEIRA, MANUEL

Type: Basic Core ECTS Credits : 6.0

Year : 1 Semester : 1

Branch of knowledge: Social Sciences and Law

OBJECTIVES

This is a formative course that provides beginner students with a better understanding of legal concepts through their historical analysis within the framework of various and successive political models. Although they have their origin in the Western legal tradition, these concepts were reformulated by the Enlightenment and the Liberal Revolution and have acquired today (following the crisis of the liberal system and the triumph of the constitutional and democratic state) a wholly new meaning. Only by becoming aware of this historical density can the student understand and value the instruments that he/she will employ in a globalized and unstable legal order. Throughout this course, the student will learn about the evolution of the legal system, its institutions, and legal-political doctrine. This will allow him/her to discover the social value of law, acquire a critical sense of its evolution and develop his/her ability to synthesize information. In short, it will provide the student with interpretive elements that will allow him/her to take the lead in his/her professional future, and not be a mere data collector.

DESCRIPTION OF CONTENTS: PROGRAMME

Ancien Régime (Old Order) and legal pluralism: the culture of European Common Law.- The Enlightenment and law. The Liberal Revolution and the Rule of Law.- Legal monism (legalism) and codification in Europe.- Constitutionalism and constitution. American constitutionalism.- The emergence of administrative law.- New branches of the legal system.

The crisis of the liberal system: authoritarianism and the Constitutional State.- The birth of labour law.- Decodification and the deregulation of law

LEARNING ACTIVITIES AND METHODOLOGY

The course is divided into ten learning units that can be downloaded from ¿Aula Global¿. Each learning unit comprises one lecture and one seminar per week. During the lectures, the student will receive guidance about content (basic concepts, problems) and practice materials. During the seminars ¿once the personal assignments have been completed¿ the different issues will be studied in depth and subject to debate, and questions will be answered. Finally, a conclusion will be drawn on the basis of the arguments previously elucidated. The student will be required to present two essays throughout the course. These will be directly related to two of the aforementioned learning units.

ASSESSMENT SYSTEM

The following criteria were established:

Ordinary examination session:

a) The grade obtained by the student having undergone continuous evaluation could represent 100% of the final grade if the student has passed the course in conformity with the objectives established in the teaching guide and set by the professor at the beginning of the course. Those students who, having undergone continuous evaluation, do not manage to pass the course have the right to sit for a final exam that will represent 60% of the final grade. The continuous evaluation grade will represent the remaining 40%.

b) Students who do not undergo continuous evaluation have the right to sit for a final exam that represents 60% of the final grade.

Extraordinary examination session:

a) Students having undergone continuous evaluation have the right to the same percentage distribution between the continuous evaluation and the final exam.

b) Students who have not undergone continuous evaluation have the right to sit for a final exam that in this session will represent 100% of the final grade.

c) Students having undergone continuous evaluation will have the right to be graded in the

manner indicated in paragraph b) when it is more in their favor.

% end-of-term-examination:	60
% of continuous assessment (assigments, laboratory, practicals…):	40

BASIC BIBLIOGRAPHY

- Grau, L. American constitutional History Course for Non-American Students, Dykinson, 2012
- Grossi, P., A History of European Law, Firenze, 2007
- Hergoz, Tamar, A short history of European Law : the last two and half millennia,, Harvard UP, 2018
- Mannori / Sordi, Science of Administration and Administrative Law, Edward Elgar Publishing Ltd, 2009