Historical Foundations of the legal system

Academic Year: (2022 / 2023) **Review date: 11-02-2023**

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

Coordinating teacher: LOPEZ DE RAMON, MARIA

Type: Basic Core ECTS Credits : 6.0

Year : 1 Semester :

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 which can be downloaded from Aula Global. The course is continuously assessed and is organised through lectures and seminars. In the lecture, the student receives an orientation on the content (fundamental concepts, problems) and work materials. In the seminars, once the personal work has been completed, the students, through working groups, comment on the readings related to the subject and discuss among themselves a series of questions on the content of the subject. Likewise, several individual essays are carried out throughout the course on the different topics to individually assess the student's work and how he/she relates the contents of the subject with the readings and historical texts that are uploaded in Aula Global. Finally, the student's attendance and participation in the continuous assessment will be computed and taken into account in the final grade of the course.

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.
b) 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%.
c) 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

Students who have not undergone continuous evaluation, or has failed the course in the ordinary exams, have the right to sit for a final exam that in this extraordinary session will represent 100% of the final grade. The exam will take place in person, at the time and on the day indicated.

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

BASIC BIBLIOGRAPHY

- 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

ADDITIONAL BIBLIOGRAPHY

- Bellomo, M./ The Common Legal Past of Europe (1000-1800), The Catholic University of America Press, 1995
- Fioravanti, M./ El Estado moderno en Europa. Instituciones y derecho (Traducido al inglés), Madrid, 2004
- Fioravanti, M./ Los derechos fundamentales, Trotta, 2020