

Historical Foundations of the legal system

Academic Year: (2023 / 2024)

Review date: 20-04-2023

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 : 2

Branch of knowledge: Social Sciences and Law

OBJECTIVES

This formative course provides first-year students with a better understanding of legal concepts through their historical analysis within the framework of various and successive political models. Although they are grounded in 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 whole new meaning. Only by becoming aware of this historical depth can students understand and value the conceptual tools they will employ in a globalized and changing legal order. In this course, students will learn about the evolution of the legal system, its institutions, and the legal-political doctrines. This way, they will discover the social value of the law, acquire a critical sense of its evolution, and develop their ability to synthesize information. In short, it will provide students with interpretive elements that will allow them to take ownership of their professional future instead of simply being the recipients of facts.

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 organised through lectures and seminars. In the lecture sessions, the fundamental concepts and questions of every unit, together with the course materials, will be explained. After completing their prep work at home, the students will discuss each unit's assigned readings and comprehension questions in groups in the seminars. Additionally, the students will turn in individual essays throughout the course on different topics to assess their individual work and how they understand the readings uploaded to Aula Global in light of the fundamental notions of that topic. Attendance and class participation in the continuous assessment is computed in the course's final grade.

ASSESSMENT SYSTEM

In keeping with university regulations, the following grading criteria are established:

REGULAR CALL:

A) Students who have followed the continuous assessment system:

A.1) Students who have passed the course according to the objectives established by the course guide and set by the professor at the beginning of the course will keep 100% of the grade obtained in the continuous evaluation

A.2) Students who have not obtained a passing grade or want to improve their grades can sit for the final exam. The final grade will be calculated by adding 60% of the grade obtained in the final exam to 40% of the grade obtained in the continuous assessment.

B) Students who have not followed the continuous assessment system can also sit for the final exam, but the grade obtained in the final exam only counts for 60% of the final grade.

EXTRAORDINARY CALL:

Students who have not followed the continuous assessment or who did not pass the course in the regular call can sit for a final exam in this extraordinary call. The final exam grade will count for 100% of the final grade. The exam will test the entire content of the course and it will be in person on the date officially appointed by the university.

% end-of-term-examination:	60
% of continuous assessment (assignments, 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

- Batlan, Felice., / Engendering Legal History, Law & Society Inquiry, 2005
- Bellomo, M./ The Common Legal Past of Europe (1000-1800), The Catholic University of America Press, 1995
- Bridenthal, R., Stuard, S., Mosher, W., Merry E./ Becoming Visible. Women in European History, Houghton Mifflin Co., Boston, 1998