Teaching Guide

Identifying Data				2022/23	
Subject (*)	Spain in the Historical and Legal Context of Europe			Code	612G01002
Study programme	Grao en Dereito				

Descriptors					
Cycle	Period	Year	Type		Credits
First and Second Cycle	1st four-month period	First	Basic training		6
Language	SpanishEnglish				
Teaching method	Face-to-face				
Prerequisites					
Department	Dereito Privado				
Coordinador	Montanos Ferrin, Maria Emma		E-mail	emma.montanos@udc.es	
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General description	This course is focused on an idea: Europe had a common legal past. In the Middle Ages, the so-called "Ius Commune" was studied in all the universities and it was used by the jurists from around the old continent. This common law transcended national and legal boundaries. For this reason, the history of law in Europe has the same vocabulary, that was created by the "ius commune". This law consisted of Roman, Canon a Feudal law. As the rest, Spain has been part of this European reality. Our juridical past is determined by Europe because Spain has not been an island on the continent. But also, the different local institutions (a kingdom, a principality, a feudal lordship, a monastery) had their own law, with their particularities, the so-called "ius proprium" (particular law). The principal aim of this course will be the knowledge of the common legislation of Europe and the singularities of the "ius proprium". The addition of the "Ius Commune" to the "ius proprium" will show the "system of Ius Commune". Then, it's very important to understand that the big legal categories used in Western Europe had the same origin, the "Ius Commune". Nowadays, if we speak about "property", "obligation", "will", we use the meaning created by "Ius Commune": dominium, obligatio, testamentum.				

Study programme competences / results	
Code	Study programme competences / results
A2	Knowledge of the role of law as a regulatory system of social relations
A3	Grasping the systematic nature of the legal system
A4	Appreciating the interdisciplinary nature of legal problems
A6	Understanding the different manifestations of law in its historical evolution and in its current reality.
A8	Basic knowledge of legal argumentation.
A10	Ability to interpret and critically assess the legal system.
A12	Management of legal oratory (ability to express themselves properly in public).
A13	Mastering new technologies applied to law.
B1	Knowledge in an area of study that is based on general secondary education, and is usually found at a level that, although supported by advanced textbooks, includes also some aspects that involve knowledge from the forefront of his field of study.
B3	Ability to gather and interpret relevant data (usually within their area of study) to make judgments that include a reflection on social, scientific or ethical relevant issues.
B6	Learning to learn.
B8	Critical, logical, and creative thinking.
B9	Working autonomously on own initiative with a lifelong learning approach.
B10	Teamwork and collaboration.
B11	Ethical and social responsibility.
B12	Effective workplace communication and oral and written skills in Spanish, Galician and foreign languages.
B13	Computing and ICT skills.
C1	Adequate oral and written expression in the official languages.
C2	Mastering oral and written expression in foreign languages.

C3	Using ICT in working contexts and lifelong learning.
C4	Exercising an open, educated, critical, committed, democratic and supportive citizenship for the sake of the common good.
C6	Critically assess the knowledge, technology and information available to solve the problems they face.

Learning outcomes			
Learning outcomes	Study programme competences / results		
	A2 A3 A4 A6 A8 A10 A12	B9 B1 B3	C1
	A13	B6 B8 B10 B11 B12 B13	C2
			C3 C4 C6

Contents	
Topic	Sub-topic
?SPAIN IN THE HISTORICAL AND LEGAL CONTEXT OF EUROPE? SPAIN AND THE POST-CLASSICAL ROMAN LAW	Political meaning of the period called Dominate Justinian Features of the post-classical Roman Law
THE FIRST MEDIEVAL AGE: PER PUGNAM SINE IUSTITIA: AN AGE WITHOUT JURISTS	The gradual disappearance of the professional jurist Anthologies and Epitomes in the West: Doctrine and Legislation The East: The great legislative compilation of Justinian
SPAIN DURING THE 7th- 11th CENTURIES	Oral laws: Custom; the Carolingian Capitularies The presence of the Church Per pugnam sine iustitia

A NEW AGE: 12th-15th CENTURIES	IUS COMMUNE IN EUROPE:
	From the feudal World to urban civilization
	The twelfth- century renaissance and the autonomy of the law.
	The formation of the Corpus Iuris Civilis and the writings of Irnerius: The rise of Civil Common Law.
	Gratian and the Decretum: The rise of Canon Common Law
	The great ?codifications? of the Church: The Liber Extra of Gregory IX, the Liber Sextus of Boniface VIII, the Clementinae of Clement V, and the formation of the Corpus Iuris Canonici.
	Civil Law and Canon Law: The utrumque ius
	IUS PROPRIUM IN EUROPE.
	Italy: Communal legislation.
	Europe outside Italy.
	The Iberian Peninsula: Fueros, Usatges, an Royal laws; The Siete Partidas.
	France: Pays de droit coutumier; local laws and royal law; the great Coutumiers.
	Germany: municipal laws; counts, dukes and princes; the emperor?s laws; the Sachsenspiegel.
	THE SYSTEM OF THE IUS COMMUNE.
	Ius commune and Ius proprium as positive law: Hierarchy in the sources.
	The Ius commune without hierarchy.
	Major figures: Irnerius
	Gratian
	The new science of law
	The System of the Ius commune and the Corpus Iuris Civilis: Dialectic
	The System of the Ius commune and the Corpus Iuris Civilis: The Ius proprium Cinus of Pistoia. Bartolus of Saxoferrato
	THE UNIVERSITY IN EUROPE AND THE IUS COMMUNE.

The School of Irnerius and the myth of Bologna.

Studying Jurisprudence in terra aliena

The growth of schools in European cities.

The organization of the academic world.

A Different organizational model: The University of Paris

Why were Universities so successful?

 LEGAL SCIENCE

The orality of knowledge

The Lectura

The Glossae

The Punctatio librorum

The Repetitio

The Quaestio disputata

MODERN AGE	Legal humanism
	The ?Secunda Scholastica?
	Francisco de Vitoria and the School of Salamanca
	Hugo Grotius and the doctrine of Natural Law
	NATIONAL CODIFICATIONS
	The age of codifications
	Precedents: The experience of consolidations
	The theoretical roots of the codifications
	From the French Revolution to the Napoleonic Code Civil
	Napoleonic Codes and National Codes in Europe
	Germany: Historical School of Law
	Savigny`s thought
	The Pandectists

Planning				
Methodologies / tests	Competencies / Results	Teaching hours (in-person & virtual)	Student?s personal work hours	Total hours
Guest lecture / keynote speech	A2 A3 A4 A6 A10 B11 C4	21	0	21
Supervised projects	A12 A13 B6 B8 B10 B12 B13 B1 B3 C1 C3	6	6	12
Objective test	A3 A6 A10 B1 B3 C1 C2	5	68	73
Case study	A2 A3 A4 A6 A8 A10 B9 B1 B3 C6	6	18	24
Document analysis	A2 A3 A6 A10 B8 B3	10	0	10
Personalized attention		10	0	10

(*)The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

Methodologies	
Methodologies	Description
Guest lecture / keynote speech	Development of the main points of the Syllabus.
Supervised projects	Development of works with professor guidance, that complement the didactic activity of the lectures. Indication of readings. Selection and realization of works of bibliographic reference. Development of determinate tasks of basic legal history research.

Objective test	Verification of the conceptual knowledges obtained by the students.
Case study	Analysis and study of legal history documents, that help to comprise the theoretical lectures.
Document analysis	Projection of thematic films on concrete appearances of the program and debate on legal history aspects that reflect in the projections.

Personalized attention	
Methodologies	**Description**
Guest lecture / keynote speech	Professor will attend any doubt in his office
Supervised projects	Students will do practice activities consist on presentations about readings and work previously fixed.

Assessment			
Methodologies	**Competencies / Results**	**Description**	**Qualification**
Guest lecture / keynote speech	A2 A3 A4 A6 A10 B11 C4	Valoraranse as acertadas intervencións dos alumnos nas sesións teóricas de exposición do profesor	5
Supervised projects	A12 A13 B6 B8 B10 B12 B13 B1 B3 C1 C3	Avaliarase tanto o traballo realizado polo grupo no seu conxunto como individualmente por cada alumno así como a súa exposición oral ante o resto de compañeiros	10
Objective test	A3 A6 A10 B1 B3 C1 C2	Avaliarase a correcta aprendizaxe dos contidos básicos da materia	70
Case study	A2 A3 A4 A6 A8 A10 B9 B1 B3 C6	Avaliaranse os comentarios de texto realizados polos alumnos	10
Document analysis	A2 A3 A6 A10 B8 B3	Avaliaranse as intervencións e debates de e entre os alumnos e o profesor sobre a película proxectada	5
Others			

Assessment comments
An exam will be required at the end of the semester concerning all the contents. The value of this exam will be 50 % of the final mark. A continuous assessment will be followed throughout the course. In addition to traditional means of assessment such as the exam, students may be asked to: - Make a presentation either individually or as a group project. - Compose research papers or other extended written work, including annotated bibliographies. These works will be valued with the other 50 % of the final mark. In the assessment corresponding to the second opportunity, which takes place during the month of July, students must follow the same evaluation parameters as in the first opportunity. This second opportunity may be an oral exam.

Students who have officially recognized their part-time enrollment must pass the written exam like other students. About assignments, professors, analyzing each case, will facilitate their delivery by these students.

If any student plagiarizes an assignment, the author will not pass the continous assessment. |

Sources of information

Basic	RecursosBibliografía básica:MONTANOS FERRÍN, E., O dereito na Historia de España, Editorial Universitas, (Madrid, 2009).Bibliografía complementaria:BELLOMO, M. (1999) A Europa do Dereito Común Il Cigno Galileo Galilei, Roma ESCUDERO, J.A. (2003) Curso de Historia do Dereito. Fontes e institucións político-administrativas Madrid. 3ª edición GACTO FERNÁNDEZ, E., ALEJANDRE GARCÍA, J.A., GARCÍA MARÍN, J.M., (1997) Manual básico de historia do Dereito (Temas e antoloxía de textos) Madrid GARCÍA-GALLO, A. (1984) Manual de Historia do Dereito español, Madrid TOMÁS y VALIENTE, F. (1987) Manual de Historia do Dereito español Recursos web:Campus Virtual: https://campusvirtual.udc.es/moodle/ . Con material complementario para o estudo da materia.
Complementary	

Recommendations
Subjects that it is recommended to have taken before
Spain in the Historical and Legal Context of Europe/612G01002
Subjects that are recommended to be taken simultaneously
Roman Foundations of the Western Legal Tradition/612G01001
Jurisprudence/612G01006
Subjects that continue the syllabus
Other comments

(*)The teaching guide is the document in which the URV publishes the information about all its courses. It is a public document and cannot be modified. Only in exceptional cases can it be revised by the competent agent or duly revised so that it is in line with current legislation.