



Universitat de Lleida

# DEGREE CURRICULUM **HISTORY OF LAW**

Coordination: RIBALTA HARO, JAIME

Academic year 2022-23

## Subject's general information

<b>Subject name</b>	HISTORY OF LAW			
<b>Code</b>	101807			
<b>Semester</b>	2nd Q(SEMESTER) CONTINUED EVALUATION			
<b>Typology</b>	<b>Degree</b>	<b>Course</b>	<b>Character</b>	<b>Modality</b>
	Bachelor's Degree in Law	1	COMMON/CORE	Attendance-based
	Double bachelor's degree: Degree in Law and Degree in Business Administration and Management	1	COMMON/CORE	Attendance-based
<b>Course number of credits (ECTS)</b>	6			
<b>Type of activity, credits, and groups</b>	<b>Activity type</b>	<b>PRAULA</b>		<b>TEORIA</b>
	<b>Number of credits</b>	1.8		4.2
	<b>Number of groups</b>	4		2
<b>Coordination</b>	RIBALTA HARO, JAIME			
<b>Department</b>	PUBLIC LAW			
<b>Teaching load distribution between lectures and independent student work</b>	40% presencial = 60 h. presencials 60% treball autònom = 90 h. treball autònom			
<b>Important information on data processing</b>	Consult <a href="#">this link</a> for more information.			
<b>Language</b>	Catalan			

Teaching staff	E-mail addresses	Credits taught by teacher	Office and hour of attention
RIBALTA HARO, JAIME	jaume.ribalta@udl.cat	15,6	

## Subject's extra information

### Subject throughout the curriculum:

1. Its place in the curriculum. The History of Law course is placed in the 2nd quadrimester of 1st year of the Law Degree.
2. Function of the course. It is a propedeutics course that fulfils two functions: a historical introduction to law that teaches the student direct knowledge about legal sources that, in principle, they have never come across before.
3. Nature of the subject. The course provides an overview of the historical evolution of different legal systems that have developed in Spain from its origins to the present.
4. Approach of the subject. The course is focused on the creation and application of law and, following this focus, the different legal sources for each historical period will be studied.

### Requirements to attend it:

1. Prerequisites: There are none.
2. Corequisites: There are none.

### Teacher Recommendations:

1. Prior knowledge of Spanish history.

## Learning objectives

See section Competences.

## Competences

### University of Lleida strategic competences

- Correctness in oral and written language.
- Master Information and Communication Technologies.
- Respect of the essential rights of equality between men and women, the promotion of Human Rights and of the values of a peace culture and democracy.
- Master a foreign language.

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### Degree-general competences

- Ability to analyse and synthesize (Instrumental ability) (CG1)

#### Goals

- Distinguish the fundamental concepts of legal ordinances.
- Access to quality resources (bibliography and Internet) for learning legal ordinances.
- Summarize the content of legal sources.
- Describe the social interests and values that are defended by legal ordinances.
- Argue with evidence about who owns the social values and interests defended by the law.
- Describe the historical changes in legal ordinances.
- Argue with evidence the reasons for historical changes in legal ordinances.

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### Degree-specific competences

- Acquisition of a critical awareness in the analysis of the legal system and in the development of a judicial dialectic (CE6)

#### Goals

- Describe the social interests and values that are defended by legal ordinances.
- Argue with evidence about who owns the social values and interests defended by the law.
- Describe the historical changes in legal ordinances.
- Argue with evidence the reasons for historical changes in legal ordinances.

- Show knowledge of the characteristics, conceptual schedules, institutions and procedures of the judicial system (CE1)

#### Goals

- Place the validity of legal ordinances in time and space.
- Identify the elements of legal ordinances.
- Characterize the elements of legal ordinances.
- Describe the elements of legal ordinances.
- Distinguish the fundamental concepts of legal ordinances.
- Access to quality resources (bibliography and Internet) for learning legal ordinances.
- Describe the social interests and values that are defended by legal ordinances.
- Argue with evidence about who owns the social values and interests defended by the law.
- Describe the historical changes in legal ordinances.
- Argue with evidence the reasons for historical changes in legal ordinances.

- Ability to identify social interests and associated values in the judicial principles and rules (CE3)

#### Goals

- Describe the social interests and values that are defended by legal ordinances.
- Argue with evidence about who owns the social values and interests defended by the law.
- Describe the historical changes in legal ordinances.
- Argue with evidence the reasons for historical changes in legal ordinances.

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## Subject contents

Subject contents

### INTRODUCTION

#### 1. **History of law (Spanish): concept and delimitation in time and space.**

1.1. History.

1.2. Law.

1.3. History of law

1.4. History of Spanish law.

### THE CREATION OF LAW IN THE IBERIAN PENINSULA

#### **The arrival of common law in the Iberian Peninsula for all people under the Roman Empire**

#### 2. **Pre-Roman law in the Iberian Peninsula.**

2.1. The legal situation of the Iberian Peninsula before Roman settlement.

2.2. The incorporation of the Iberian Peninsula in the Roman world.

2.3. The social and legal Romanisation of the Iberian Peninsula.

#### 3. **Roman law.**

3.1. The creation of sources of Roman law inherited by the Principate.

3.2. The creation of law in the Principate.

3.3. The creation of law in the Dominate.

#### **The autonomous development of Roman legal tradition in the Iberian Peninsula. The creation of law in the Visigothic Kingdom**

#### 4. **Visigothic law.**

4.1. The settlement of the Visigoths in the Roman Empire.

4.2. The creation of law in the Visigothic Kingdom.

#### **The creation of Hispanic law by means of Visigothic legal tradition. The creation of law in the High Middle Ages**

#### 5. **Law in the High Middle Ages.**

5.1. Visigothic, Muslim and Early Medieval law traditions.

5.2. ResPublica Christiana and Early Medieval law.

5.3. Early Medieval legal ordinances: general law and individual rights.

### **The Bolognese legal renaissance and common law. The study of Justinian Roman law at Bologna**

#### **6. The reception of common law in the Iberian Peninsula.**

6.1. The Bolognese Legal Renaissance. The School of Bologna: content and method.

6.2. The reception of common law in the Late Middle Ages: general features.

### **The reception of common law in various Hispanic kingdoms of the Late Middle Ages**

#### **7. The reception of common law in Castile-León.**

7.1. The legal situation inherited by Alfonso X.

7.2. The legislative work of Alfonso X.

7.3. The anti-Alfonso reaction: the 1274 Courts of Zamora.

7.4. Alfonso XI and the *1348 Ordinance of Alcalá*.

7.5. The Spanish legal ordinances of the Late Middle Ages.

#### **8. The reception of common law in Catalonia.**

8.1. The legal situation inherited by James I.

8.2. The legislative policy of James I.

8.3. The Catalan legal ordinances of the Late Middle Ages: the Courts of 1283.

8.4. Common law in Catalonia: Martin the Humane (1409) and Philip II (III) (1599).

### **Mercantile law. The creation of a professional law: mercantile law**

#### **9. Mercantile law.**

9.1. The formation of *ius mercatorum*.

9.2. The Mediterranean maritime mercantile law: *the Book of the Consulate of the Sea*.

9.3. The Atlantic maritime mercantile law.

### **The emergence of the State and the triumph of regional law. Birth of the state**

#### **10. Law in the Early Modern Period.**

10.1. Sovereignty and the formation of the modern state.

10.2. The rationalization of law: modern legal compilations.

10.3. The *Nueva Planta* Decrees.

**The appearance of Spanish national law as a result of the triumph of Spanish national sovereignty. The constitutional state.**

## 11. Law in the Modern Age.

11.1. The configuration of the Spanish constitutional state.

11.2. Codification in Spain.

11.3. Appendixes and compilations.

## Methodology

The subject is organized based on five types of activities that are both differentiable and complementary to one another: 1) master classes (face-to-face activity); 2) readings (non-contact activity); 3) tutorials (face-to-face activity); 4) debates (face-to-face activity) and 5) study (non-contact activity). To streamline the exhibition, these activities can be grouped into two blocks: theory and practice.

1. Theory: master lessons; study and tutorials. In the master lessons, the backbone of each subject is offered and the comprehension of the contents is then obtained by applying the knowledge acquired in the exegetic commentary of original texts from the studied historical period that are the content of the practice. As experience has shown that students often have not studied or are not fresh enough the knowledge about History of Spain -which are necessary to frame the subject and to be able to follow it in an agile way-, it is recommended to re-read corresponding manual of secondary education or, if this is not the access road, the reading of some general work such as, for example, the History of Spain by Pierre Vilar cited in the complementary bibliography (see below section 8.3. Complementary bibliography). The activity, called the study, is essentially linked to the master classes, with the need for students to devote during each week, and constantly throughout the course, a certain amount of non-contact work hours to study and / or revise the contents explained in the magisterial lessons. In the tutorials and as its name indicates, the work carried out is carried out and personalized help is offered to those students who request it.
2. Practice: readings and debates. Lectures and debates are closely linked because they are the two faces of the same process that we have called exegetic commentary of original texts from the studied historical period. The study of original texts is justified as an appropriate way of putting students in direct contact with the law of the past and, at the same time, encouraging them to participate more actively in the development of education. For this reason, the consultation of a manual is strongly recommended either by reading it in advance in order to be in a position to talk with the texts - probably dumb in another case - or to find a model that allows A posteriori systematize the results achieved in the study of texts. For the accomplishment of the text comments, some tips are offered that will be found in the page web of the professor in the following internet address: <[http://web.udl.es/usuarios/q7806898/Indicacions\\_clases\\_practiques\\_fp.htm](http://web.udl.es/usuarios/q7806898/Indicacions_clases_practiques_fp.htm)>. The distinction between the two elements lies in the following: the term readings indicates the non-contact activity of the students consisting of directed reading, analysis and, if necessary, searching for information from a series of selected texts that, after and once Given this preparatory work, they will be the subject of debate as a face-to-face activity. At the end of this process, students will be able to write the corresponding exegetic commentary of the selected texts.

### FORECAST: ADJUSTMENTS TO THE METHODOLOGY TO BE APPLIED IN CASE OF NEED CAUSED BY COVID-19

In case of need caused by a requirement related to the COVID-19 pandemic, it will be necessary to adapt the Methodology of the subject of History of Law (101807) as detailed below.

1. Theory. The teacher will provide the Master Lessons in PDF format in the Resources section of the Virtual Campus and, from there, each student will be able to download them.
2. Practice. The discussions corresponding to the text comments will be carried out according to the system detailed in the

following table.

SYSTEM FOR MAKING TEXT COMMENTS	
PHASES	PROCESS
PHASE 1.	<b>TEXT COMMENTARY: INDIVIDUAL STUDENT.</b> The student (individually considered) will make and write his/her own text commentary.
PHASE 2.	<b>COLLECTIVE TEXT COMMENTARY: WORKING GROUPS.</b> Students will be divided and organized into work groups. Each work group will choose its representative. Each working group will bring together its members by videoconference (or another means of distance communication that they prefer) and, collectively, will prepare and write the text commentary that will be accompanied by a list of the names and surnames of the people who form part of the group (indicating the attendance and participation of each member) and a section dedicated to collecting the doubts, problems or difficulties that they have had during the completion of the commentary.
	<a href="https://cv.udl.cat/access/content/group/101807-1920/Esquema-001.png">https://cv.udl.cat/access/content/group/101807-1920/Esquema-001.png</a>
PHASE 3.	<b>CORRECTION OF COLLECTIVE TEXT COMMENTS: TEACHER.</b> All the representatives of the working groups will meet with the professor using the Virtual Campus Forums instrument to correct the text comments made and written by each of the groups and, obviously, to answer any doubts, problems and difficulties they may have had.
	<a href="https://cv.udl.cat/access/content/group/101807-1920/Esquema-002.png">https://cv.udl.cat/access/content/group/101807-1920/Esquema-002.png</a>
PHASE 4.1.	<b>CORRECTION OF COLLECTIVE TEXT COMMENTS: WORKING GROUPS.</b> Once this meeting of representatives and teacher has taken place, the representatives of each group will transmit the corrections and/or responses of the teacher to the different members of the corresponding working group by the means of communication they have chosen (videoconference or other).
PHASE 4.2.	<b>CORRECTION OF TEXT COMMENTS: INDIVIDUAL STUDENT.</b> In addition and also importantly, as some members of the working groups may want to know first-hand the corrections and opinions of the teacher, they can consult these contents by accessing the Fòrums instrument individually because this instrument saves the conversations in writing and for a certain period of time. Through these two channels, each student will be able to make his or her own comment and, therefore, have their own personal view.

## Development plan

The temporary organization of the activities that will be developed in the subject has two fundamentals:

1. In principle, the rhythm and dynamics that articulate both blocks of activities (theory and practice) should be a weekly cycle in which the master lesson and the study relationship should be accompanied by the corresponding text comment (reading and debate). As the subject has been awarded in the curriculum three hours per week, two hours will be devoted to the explanation of the master class lessons (Large Group [= GG]) and one to the corresponding text commentary (Medium Group [= GM]).
2. Regarding textual comments, the texts to be discussed during the course as well as the work schedule will be established. This information will be publicized in two ways: on the teacher's website and in this program-guide of the subject (see infra section 8.1. Materials for practical classes).

History of Law. Distribution of the subjects in hours of master class (Total: 28 hores)						
Tema	01	02	03	04	H	Suma H
01	1.1-4. Història del Dret				1	1
02	2.1-3. Preromans i romanització				1	2
03	3.1. Roma Monarquia	3.1. Roma República	3.2. Roma Principat	3.3. Roma Dominat	4	6
04	4.1. Assentament	4.2. Creació dret			2	8



History of Law. Distribution of the subjects in hours of master class (Total: 28 hores)						
Tema	01	02	03	04	H	Suma H
05	5.1-2. Tradició i <i>Res publica christiana</i>	5.3. Dret general-particulars			2	10
06	6.1. Renaixement	6.1. Bolonya: continguts	6.1. Bolonya: mètode	6.2. Recepció	4	14
07	7.1-2. Herència-Alfonso	7.3-5. Reacció-OA-Dret castellà			2	16
08	8.1-2. Herència-Jaume	8.3-4. Dret català i Dret comú Catalunya			2	18
09	9.1-3. Dret mercantil				1	19
10	10.1. Sobirania	10.1. Sobirania	10.2. Recopilacions	10.3. Decrets Nova Planta	5	24
11	11.1. Constitucions	11.1. Constitucions	11.2-3. Codificació i Apèndixs-compilacions		4	28

History of Law - Distribution of topics and textual remarks in hours of master class and internships									
Wednesday						Tuesday			
Date	GGM – 9-10 h.	GGM – 10-11 h.	GM1 – 11-12 h.	GM2 – 12-13 h.	GM3 – 13-14 h.	Date	GMT – 15:30-16:30 h.	GGT – 16:30-17:30 h.	GGT – 17:45-18:45 h.
08/02/2023	Presentació	01.01-04	Mètode	Mètode	Mètode	07/02/2023	Mètode	Presentació	01.01-04
15/02/2023	02.01-03	03.01	(01) D. 1,2,1 [Gai]	(01) D. 1,2,1 [Gai]	(01) D. 1,2,1 [Gai]	14/02/2023	(01) D. 1,2,1 [Gai]	02.01-03	03.01
22/02/2023	03.01	03.02	(02) Justí	(02) Justí	(02) Justí	21/02/2023	(02) Justí	03.01	03.02
01/03/2023	03.03	04.01	(03-06) Romanització	(03-06) Romanització	(03-06) Romanització	28/02/2023	(03-06) Romanització	03.03	04.01
08/03/2023	04.02	05.01-02	(07) Llei de Cites	(07) Llei de Cites	(07) Llei de Cites	07/03/2023	(07) Llei de Cites	04.02	05.01-02
15/03/2023	05.03	06.01	(08) Breviari d'Alaric	(08) Breviari d'Alaric	(08) Breviari d'Alaric	14/03/2023	(08) Breviari d'Alaric	05.03	06.01
22/03/2023	06.01	06.01	Avaluació continuada: comentari 1	Avaluació continuada: comentari 1	Avaluació continuada: comentari 1	21/03/2023	Avaluació continuada: comentari 1	06.01	06.01
31/03/2023	-----	-----	Avaluació continuada: test 1	-----	-----	31/03/2023	Avaluació continuada: test 1	-----	-----
05/04/2023	Setmana Santa	Setmana Santa	Setmana Santa	Setmana Santa	Setmana Santa	04/04/2023	Setmana Santa	Setmana Santa	Setmana Santa
12/04/2023	06.02	07.01-03	(09) Isidor	(09) Isidor	(09) Isidor	11/04/2023	(09) Isidor	06.02	07.01-03
19/04/2023	07.04-05	08.01-02	(10) Usatges	(10) Usatges	(10) Usatges	18/04/2023	(10) Usatges	07.04-05	08.01-02
26/04/2023	08.03-04	09.01-03	(11) Bolonya	(11) Bolonya	(11) Bolonya	25/04/2023	(11) Bolonya	08.03-04	09.01-03
03/05/2023	10.01-02	10.01-02	(12) Partidas	(12) Partidas	(12) Partidas	02/05/2023	(12) Partidas	10.01-02	10.01-02
10/05/2023	10.03	10.03	(13) CL-1283	(13) CL-1283	(13) CL-1283	09/05/2023	(13) CL-1283	10.03	10.03
17/05/2023	11.01	11.01	(14) Cap1409	(14) Cap1409	(14) Cap1409	16/05/2023	(14) Cap1409	11.01	11.01

History of Law - Distribution of topics and textual remarks in hours of master class and internships									
Wednesday						Tuesday			
Date	GGM – 9-10 h.	GGM – 10-11 h.	GM1 – 11-12 h.	GM2 – 12-13 h.	GM3 – 13-14 h.	Date	GMT – 15:30-16:30 h.	GGT – 16:30-17:30 h.	GGT – 17:45-18:45 h.
24/05/2023	11.02-03	11.02-03	Avaluació continuada: comentari 2	Avaluació continuada: comentari 2	Avaluació continuada: comentari 2	23/05/2023	Avaluació continuada: comentari 2	11.02-03	11.02-03
29/05/2023	-----	-----	Avaluació continuada: test 2	Avaluació única: test-comentari	-----	29/05/2023	Avaluació continuada: test 2	Avaluació única: test-comentari	-----
26/06/2023			Avaluació: recuperació			26/06/2023	Avaluació: recuperació		

## Evaluation

The subject is evaluated continuously through four tests distributed throughout the course and, moreover, the attendance and active participation in the classroom classes will be valued. The tests are two tests and two text comments. With respect to the tests and evaluation, the following criteria must be taken into account:

1. Regarding attendance and active participation in face-to-face classes, in the last five minutes of the classroom there will be a simple test (test, short question, etc.) about the contents studied.
2. Each test will consist of 25 questions (each with 5 options in response) and will be cumulative, that is, it will cover the set of master classes of the program explained until the date of its execution (of course, the distribution of questions and their correspondence with the lessons is not uniform, but depends on the importance of each lesson) and that is scored according to the following criteria: to pass this test, 12.5 points must be obtained taking into account that the correct answers = 1 point; erroneous answers = -0.25 points; Double answers = -0.25 points and blank answers = 0 points.

Lliçons magistrals	Apartats de la lliçó	Test-1	Test-2	Totals
01. Història del Dret	4	25	25	50
02. Drets preromans	3			
03. Dret romà	3			
04. Dret visigot	2			
05. AEM	3			
06. Recepció	2	0		
07. Castella	5	0		
08. Catalunya	4	0		
09. Dret mercantil	3	0		
10. Dret modern	3	0		
11. Dret contemporani	3	0		
Totals	35	25	25	50

3. In order to encourage the active participation of the students, the text commentary will be chosen from among the previously studied in class. As an indication, in the evaluation of the text comments, the criteria inserted in the following graduated measurement scale will be taken into account.

Avaluació: Comentaris de text – Escala graduada de mesura					
Aspecte	A (valor ítem=0)	B (valor ítem=0,5)	C (valor ítem=1)	D (valor ítem=1,5)	E (valor ítem=2)
<b>1. Identificació del text: autor/obra</b>	No identifica autor/obra o s'equivoca.	Identifica autor/obra però la descripció és poca-pobra o inclou errades.	Identifica autor/obra, la descripció és mínima però sense errades.	Identifica autor/obra i, a més d'identificar-los nominalment, en la descripció aporta dades importants o rellevants.	Identifica nominalment autor/obra i n'aporta una descripció completa i detallada.
<b>2. Context històric del text</b>	No identifica l'època a que pertany el text o s'equivoca.	Identifica l'època a que pertany el text però la descripció és poca-pobra o inclou errades.	Identifica l'època a que pertany el text, la descripció és mínima però sense errades.	Identifica l'època a que pertany el text i la descriu identificant algunes idees principals i/o es centra en detalls aïllats o no recull detalls significatius.	Identifica l'època a que pertany el text i la descriu de forma clara, completa i detallada.
<b>3. Context jurídic del text</b>	No identifica el dret de l'època a que pertany el text o s'equivoca.	Identifica el dret de l'època a que pertany el text però la descripció és poca-pobra o inclou errades.	Identifica el dret de l'època a que pertany el text, la descripció és mínima però sense errades.	Identifica el dret de l'època a que pertany el text i el descriu identificant algunes idees principals i/o es centra en detalls aïllats o no recull detalls significatius.	Identifica el dret de l'època a que pertany el text i el descriu de forma clara, completa i detallada.
<b>4. Anàlisi i síntesi del contingut del text</b>	No sap analitzar/sintetitzar el text o s'equivoca.	Analitza el text però la síntesi és poca-pobra o inclou errades.	Analitza el text, la síntesi és mínima però sense errades.	Analitza i sintetitza el text identificant correctament algunes idees principals però es centra en detalls aïllats o no recull detalls significatius.	Analitza i sintetitza el text i descriu detalladament les idees principals i secundàries.
<b>5. Valoració: importància o valor històric del text</b>	No sap quina importància o valor té el text o s'equivoca.	Sap la importància o valor del text però la descripció és poca-pobra o inclou errades.	Sap la importància o valor del text, la descripció és mínima però sense errades.	Sap la importància o valor del text, la descriu sense detalls i presenta interpretació/generalització sense recolzament adequat.	Sap la importància o valor del text, la descriu detalladament i presenta interpretació/generalització recolzada en evidències.
<b>Qualificació=suma(A1..E5)</b>					

4. To pass the subject, a score of five or more must be obtained in the final grade of the subject. In order to obtain this final grade, the percentage value that, according to the following table, will be taken into account is attributed to each test in the qualification.

## Avaluació: Calendari de les proves

Dates	Lliçons magistrals	Test amb sistema acumulatiu (Teoria)	Valor test	Comentari de text (Pràctica)	Valor comentari	Sumatori valor
<ul style="list-style-type: none"> <li>GGM:</li> <li>31/03/2023</li> <li>(Divendres)</li> <li>(9-11:30 h.)</li> <li>(Aula: -1.03; -1.04; 0.36 FDE)</li> <li>---</li> <li>GGT:</li> <li>31/03/2023</li> <li>(Divendres)</li> <li>(9-11:30 h.)</li> <li>(Aula: -1.03; -1.04; 0.36 FDE)</li> </ul>	<ul style="list-style-type: none"> <li>Lliçó 1 [4] [Història del Dret]</li> <li>Lliçó 2 [3] [Preromans]</li> <li>Lliçó 3 [3] [Dret romà]</li> <li>Lliçó 4 [2] [Dret visigot]</li> <li>Lliçó 5 [3] [AEM]</li> <li>Lliçó 6 [2] [Recepció]</li> <li>(1.1-6.2)</li> </ul>	<ul style="list-style-type: none"> <li>Lliçó 1 [4] [Història del Dret]</li> <li>Lliçó 2 [3] [Preromans]</li> <li>Lliçó 3 [3] [Dret romà]</li> <li>Lliçó 4 [2] [Dret visigot]</li> <li>Lliçó 5 [3] [AEM]</li> <li>Lliçó 6 [2] [Recepció]</li> <li>Total [=17]</li> </ul>	20%	---	---	20%
<ul style="list-style-type: none"> <li>GGM:</li> <li>22/03/2023</li> <li>(Dimecres)</li> <li>(11-12 h.)</li> <li>(GM1)</li> <li>(Aula: -1.04 FDE)</li> <li>---</li> <li>22/03/2023</li> <li>(Dimecres)</li> <li>(12-13 h.)</li> <li>(GM2)</li> <li>(Aula: -1.04 FDE)</li> <li>---</li> <li>22/03/2023</li> <li>(Dimecres)</li> <li>(13-14 h.)</li> <li>(GM3)</li> <li>(Aula: -1.04 FDE)</li> <li>---</li> <li>GGT:</li> <li>21/03/2023</li> <li>(Dimarts)</li> <li>(15:30-16:30 h.)</li> <li>(GMT)</li> <li>(Aula: -1.04 FDE)</li> </ul>	---	---	---	<ul style="list-style-type: none"> <li>Lliçó 1 – (01) D. 1,2,1 [Gai.]</li> <li>Lliçó 2 – (02) Justí</li> <li>Lliçó 2 – (03-06) Romanització</li> <li>Lliçó 3 – (07) Llei de Cites</li> <li>Lliçó 4 – (08) Breviari d'Alaric</li> <li>Total [=5]</li> </ul>	25%	45%

Avaluació: Calendari de les proves						
Dates	Lliçons magistrals	Test amb sistema acumulatiu (Teoria)	Valor test	Comentari de text (Pràctica)	Valor comentari	Sumatori valor
<ul style="list-style-type: none"> <li>GGM:</li> <li>24/05/2023</li> <li>(Dimecres)</li> <li>(11-12 h.)</li> <li>(GM1)</li> <li>(Aula_ -1.04 FDE)</li> <li>—</li> <li>24/05/2023</li> <li>(Dimecres)</li> <li>(12-13 h.)</li> <li>(GM2)</li> <li>(Aula: -1.04 FDE)</li> <li>—</li> <li>24/05/2023</li> <li>(Dimecres)</li> <li>(13-14 h.)</li> <li>(GM3)</li> <li>(Aula: -1.04 FDE)</li> <li>—</li> <li>GGT:</li> <li>23/05/2023</li> <li>(Dimarts)</li> <li>(15:30-16:30 h.)</li> <li>(GMT)</li> <li>(Aula: -1.04 FDE)</li> </ul>	—	—	—	<ul style="list-style-type: none"> <li>Lliçó 4 – (09) Isidor</li> <li>Lliçó 5 – (10) Usatges</li> <li>Lliçó 6 – (11) Bolonya</li> <li>Lliçó 7 – (12) Partidas</li> <li>Lliçó 8 – (13) CL-1283</li> <li>Lliçó 8 – (14) Cap1409</li> <li>Total [=6]</li> </ul>	25%	70%
<ul style="list-style-type: none"> <li>GGM:</li> <li>30/05/2023</li> <li>(Dilluns)</li> <li>(9-11:30 h.)</li> <li>(Aula: -1.02; -1.03; -1.04 FDE)</li> <li>—</li> <li>GGT:</li> <li>30/05/2023</li> <li>(Dilluns)</li> <li>(9-11:30 h.)</li> <li>(Aula: -1.02; -1.03; -1.04 FDE)</li> </ul>	<ul style="list-style-type: none"> <li>Lliçó 7 [5] [Castella]</li> <li>Lliçó 8 [4] [Catalunya]</li> <li>Lliçó 9 [3] [Dret mercantil]</li> <li>Lliçó 10 [3] [Moderna]</li> <li>Lliçó 11 [3] Contemporània]</li> <li>(7.1-11.3)</li> </ul>	<ul style="list-style-type: none"> <li>Lliçó 1 [4] [Història del Dret]</li> <li>Lliçó 2 [3] [Preromans]</li> <li>Lliçó 3 [3] [Dret romà]</li> <li>Lliçó 4 [2] [Dret visigot]</li> <li>Lliçó 5 [3] [AEM]</li> <li>Lliçó 6 [2] [Recepció]</li> <li>Lliçó 7 [5] [Castella]</li> <li>Lliçó 8 [4] [Catalunya]</li> <li>Lliçó 9 [3] [Dret mercantil]</li> <li>Lliçó 10 [3] [Moderna]</li> <li>Lliçó 11 [3] Contemporània]</li> <li>Total [=35]</li> </ul>	20%	—	—	90%
—	<ul style="list-style-type: none"> <li>ASSISTÈNCIA I PARTICIPACIÓ ACTIVA</li> <li>EN LES CLASSES PRESENCIALS</li> </ul>	—	10%	—	—	100%
—	—	TEORIA	50%	PRÀCTICA	50%	100%

5. The realization of all the tests is prescriptive: if you stop taking any test, the percentage of the corresponding mark will be zero.

6. There is no recovery of any evidence.

7. In the final grade of the subject, the students who, during the course, have not performed any activity and have not been submitted to any trial, will be classified as NOT PRESENTED.

8. Single final evaluation. In application of article 20 of the "*Normativa reguladora de l'Avaluació i de la Qualificació de l'Estudiantat a la Universitat de Lleida*" (Approved by the Consell de Govern extraordinari of 2 of June of 2009), the students that fulfill the requisites demanded and wished to receive the unique evaluation system must present in the indicated period, time and place (until the last day of February of the corresponding academic course, during tutoring hours and at office 2.23 of the Faculty of Law and Economics) a personal and non-transferable application accompanied by the corresponding documentary accreditation of its impossibility of being able to meet the requirements established in the continuous evaluation. In the following links, download the "Request for Change of Evaluation System" model is available in two formats: (1) Microsoft Word <[HistoriadelDret-SollicitudCanviSistemaAvaluacio.doc](#)> (2) OpenOffice Writer <[HistoriadelDret-SollicitudCanviSistemaAvaluacio.odt](#)>. The application must be filled out and submitted according to the instructions indicated therein. This request will be unique and binding, that is, after that date, no changes to the evaluation system will be accepted. This unique assessment system will consist of a final exam consisting of two parts:

8.1. a test of 25 questions (each with 5 options as a response) that covers the whole lessons of the subject's program (lessons 1-11) (of course, the distribution of questions and their correspondence with the lessons is not uniform, but depends on the importance of each lesson) and that it is scored according to the following criteria: to pass this part, 12.5 points must be obtained taking into account that the correct answers = 1 point; erroneous answers = -0.25 points; Double answers = -0.25 points and blank answers = 0 points.

8.2. a text comment that is chosen from among the previously studied in class and that will be assessed according to the criteria that appear in the table applied in the continuous evaluation system entitled: "Evaluation: Text comments - Graduated measurement scale".

8.3. To pass the subject, the two parts of the exam must be approved.

#### **FORECAST: ADJUSTMENTS TO THE EVALUATION TO BE APPLIED IN THE EVENT OF NEED CAUSED BY COVID-19**

In case of need caused by a requirement related to the COVID-19 pandemic, it will be necessary to adapt the Evaluation of the subject of History of Law (101807) as detailed below.

<b>SYSTEM OF EVALUATION</b>		
It will consist of two tests (TEST AND QUESTIONS SHORT) and the ASSISTANCE AND PARTICIPATION IN THE CLASSES. Thus, the so-called Single Assessment disappears because, in a way, all students will be subject to it.		
<b>EVALUATED CONTENT</b>	<b>TEST</b>	<b>VALUE</b>
<b>(1) THEORETICAL CLASSES</b>	Two typus Tests according to the mechanisms already explained but done through the TEST I QÜESTIONARIS instrument of the VIRTUAL CAMPUS.	2x20=40%
<b>(2) PRACTICAL CLASSES</b>	Two short QUESTIONS tests on the text comments that will be conveyed through the TEST I QÜESTIONARIS instrument of the VIRTUAL CAMPUS.	2x25=50%
<b>(3) ATTENDANCE AND PARTICIPATION IN CLASSES</b>	Attendance and participation will be taken into account both in the group text comments and in the corrections made with the teacher through the FÒRUMS instrument of the VIRTUAL CAMPUS.	10%

## Bibliography

## 1. MATERIALS FOR PRACTICAL CLASSES

1. The following table provides the students a bibliographic list of the texts that will be discussed in practical classes. This information will also be available in the professor's website in a document under the section, text comments Calendar in the following address: [web.udl.es/usuarios/q7806898/Calendari\\_comentaris-fp.htm](http://web.udl.es/usuarios/q7806898/Calendari_comentaris-fp.htm). This specific way to accomplish these materials is a matter of freedom and responsibility of each student: everyone can choose the way that they find more agile and convenient. In this sense, there can be collective solutions.

History of Law. Text comments: cast for master classes and dates		
Dates=Groups	Master classes	Text comments
14/02/2023=GMT 15/02/2023=GM1 15/02/2023=GM2 15/02/2023=GM3	1. [Història del Dret]	<b>(01) D. 1,2,1 [Gai. XII Tab.]: (la funció de la Història del Dret)</b> [=IGLESIA, Aquilino: <i>La creación del Derecho. Antología de textos</i> (Madrid: Marcial Pons, 1996), pàg. 7 (cita inicial).]
21/02/2023=GMT 22/02/2023=GM1 22/02/2023=GM2 22/02/2023=GM3	2.1. [Drets preromans]	<b>(02) Just. 44,4,1-14: Gàgoris-Habis (les lleis dels turdetans)</b> [=IGLESIA, Aquilino: <i>La creación del Derecho. Antología de textos</i> (Madrid: Marcial Pons, 1996), pàgs. 11-12 (text n. 1a).]
28/02/2023=GMT 01/03/2022=GM1 01/03/2022=GM2 01/03/2022=GM3	2.3. [Romanització]	<b>(03) Plin. Historia Naturalis, 3,3[4],30: ius latii (concessió als hispans)</b> [=IGLESIA, Aquilino: <i>La creación del Derecho. Antología de textos</i> (Madrid: Marcial Pons, 1996), pàg. 17 (text n. 3a).]
		<b>(04) Lex Irnitana, cap. 21: adquisició de la ciutadania romana</b> [=IGLESIA, Aquilino: <i>La creación del Derecho. Antología de textos</i> (Madrid: Marcial Pons, 1996), pàgs. 17-18 (text n. 3b).]
		<b>(05) Institutiones Gai (Gl. 1,96): ius latii</b> [=IGLESIA, Aquilino: <i>La creación del Derecho. Antología de textos</i> (Madrid: Marcial Pons, 1996), pàg. 18 (text n. 3c).]
		<b>(06) Constitutio Antoniniana de civitate</b> [=IGLESIA, Aquilino: <i>La creación del Derecho. Antología de textos</i> (Madrid: Marcial Pons, 1996), pàg. 18 (text n. 3d).]
07/03/2023=GMT 08/03/2023=GM1 08/03/2023=GM2 08/03/2023=GM3	3.3. [Dret romà: Dominat]	<b>(07) CTh. 1,4,3 [Theo. et Valent. 426] [= BA. CTh. 1,4,1]: Llei de Cites</b> [=IGLESIA, Aquilino: <i>La creación del Derecho. Antología de textos</i> (Madrid: Marcial Pons, 1996), pàgs. 40-42 (text n. 15b).]
14/03/2023=GMT 15/03/2023=GM1 15/03/2023=GM2 15/03/2023=GM3	4.2. [Dret visigot]	<b>(08) Breviari Alariciani: praescriptio, auctoritas, subscriptio: la connexió visigòtica amb la tradició jurídica romana</b> [=IGLESIA, Aquilino: <i>La creación del Derecho. Antología de textos</i> (Madrid: Marcial Pons, 1996), pàgs. 55-56 (text n. 19a).]
11/04/2023=GMT 12/04/2023=GM1 12/04/2023=GM2 12/04/2023=GM3	4.2. [Dret visigot]	<b>(09) Isidori Hispalensis: Sententiae, 3,47,1; 3,48,5; 3,48,7; 3,48,10-11: la legitimació eclesiàstica del poder del rei visigot</b> [=IGLESIA, Aquilino: <i>La creación del Derecho. Antología de textos</i> (Madrid: Marcial Pons, 1996), pàgs. 58-59 (text n. 20c-d).]
18/04/2023=GMT 19/04/2023=GM1 19/04/2023=GM2 19/04/2023=GM3	5.3. [Drets particulars: dret feudal]	<b>(10) Usatges de Barcelona, 3; 69; 81: el naixement del dret feudal català</b> [=IGLESIA, Aquilino: <i>La creación del Derecho. Antología de textos</i> (Madrid: Marcial Pons, 1996), pàgs. 70-71 (text n. 24c-d) i pàg. 145 (text n. 40a i c).]
25/04/2023=GMT 26/04/2023=GM1 26/04/2023=GM2 26/04/2023=GM3	6.1. [Bolonya: renaixement jurídic]	<b>(11) Odofred D. 1,1,6; Odofred C. Const. Omnem; Radulfus Niger, Moralia Regum, 19; Radulfus Niger, Moralia Regum, 10,16; Azzo D. 1,2,2,38; Odofred C. 1,2,Auth. Qui res; Odofred C. 2,21(22),9: el naixement de l'Escola de Bolonya (Irneri versus Pepo)</b> [=IGLESIA, Aquilino: <i>La creación del Derecho. Antología de textos</i> (Madrid: Marcial Pons, 1996), pàgs. 98-100 (text n. 28d-)].]
02/05/2023=GMT 03/05/2023=GM1 03/05/2023=GM2 03/05/2023=GM3	7.2. [Castella: Alfonso X]	<b>(12) Las Partidas: pròleg: la principal font del dret castellà</b> [=IGLESIA, Aquilino: <i>La creación del Derecho. Antología de textos</i> (Madrid: Marcial Pons, 1996), pàgs. 124-127 (text n. 35a).]

History of Law. Text comments: cast for master classes and dates		
Dates=Groups	Master classes	Text comments
09/05/2023=GMT 10/05/2023=GM1 10/05/2023=GM2 10/05/2023=GM3	8.2-3. [Catalunya: Jaume I-Pere II]	<b>(13) Costums de Lleida; Costums de Tàrraga; 3 CYADC II 2,3,1 [Jaume I. Pragmàtica. 1243]; 3 CYADC III 1,8,1 [Jaume I. Constitució. 1251]; 3 CYADC I 1,15,1 [Pere II. Corts de Barcelona. 1283]: la interferència política en la Recepció del Dret comú a Catalunya solucionada pel naixement del pactisme</b> [=IGLESIA, Aquilino: <i>La creación del Derecho. Antología de textos</i> (Madrid: Marcial Pons, 1996), pàgs. 145-148 (text n. 40d-h).]
16/05/2023=GMT 17/05/2023=GM1 17/05/2023=GM2 17/05/2023=GM3	8.4. [Catalunya: Dret comú]	<b>(14) 3 CYADC I 1,38,2 [Martí I. Corts de Barcelona. 1409]: la Recepció oficial del Dret comú a Catalunya</b> [=IGLESIA, Aquilino: <i>La creación del Derecho. Antología de textos</i> (Madrid: Marcial Pons, 1996), pàg. 156 (text n. 40t).]

2. For carrying out the text commentaries, as already mentioned, there are some tips to be found on the Professor's website at the following address: [http://web.udl.es/usuarios/q7806898/Indicacions\\_clases\\_practiques\\_fp.htm](http://web.udl.es/usuarios/q7806898/Indicacions_clases_practiques_fp.htm).

3. In section 8.3. *Supplementary bibliography* at the end of this chapter, includes a number of bibliographical references that serves as auxiliary or reference material for carrying out the text commentary.

## 2. BASIC BIBLIOGRAPHY

Below are only listed the text books that, regardless of their specific merits and flaws, provide a proper scientific view of the current state of our knowledge in the field of the history of law. All textbooks that have past their prime, due to its date of publication, or because an updated edition has come out, will not be used. Likewise, all textbooks that do not offer a complete explanation on the creation process of law in the Iberian Peninsula will not be used. We will make an exception with the work of Galo Sánchez, that, although not being a history of law textbook, does provide precise and concise information about the main sources of knowledge on mainland law, although we must keep in mind that it is outdated on certain matters. Any of these textbooks, with the exception of the work by Galo Sánchez, offers an updated scientific view of the material that will be evaluated. As mentioned, the evaluation will be carried out based on the lectures of the curriculum. In general, all the topics treated in these lessons are reflected in most of the textbooks mentioned, although under different headings. It is possible that some of the sections are missing. In the event that the grading of the answers depends on the textbooks, the choice of textbook does not exempt the student from knowing the mentioned lectures.

### *History of Law textbooks*

ESCUADERO, José Antonio, *Curso de Historia del Derecho. Fuentes e instituciones político-administrativas*; Madrid, 2003 (3 ed.), pp. XIII+985.

ESCUADERO, José Antonio, *Curs d'Història del Dret. Fonts i institucions politicoadministratives*; San Vicente del Raspeig, 2008, pp. 898.

[FONT I RIUS, Josep Maria], *Apuntes de Historia del Derecho Español. Parte general. La evolución general del Derecho Español*; Universitat de Barcelona, Barcelona, 1969, pp. 367.

GACTO FERNÁNDEZ, Enrique, ALEJANDRE GARCÍA, Juan Antonio et GARCÍA MARÍN, José María, *El derecho histórico de los pueblos de España (Temas para un curso de Historia del Derecho)*; Universidad Complutense, Madrid, 1982, pp. 764.

GARCÍA-GALLO, Alfonso, *Manual de Historia del Derecho Español. I. El origen y la evolución del Derecho. II. Metodología histórico-jurídica. Antología de fuentes del derecho español*; Madrid, 1984 (9 ed.), pp. LIX+998 i LXXXIX+1298.

IGLESIA FERREIRÓS, Aquilino, *La creación del Derecho. Una historia del Derecho español. Lecciones*; I-II, Editorial Gráficas Signo, Barcelona, 1987-1988, pp. 549 i 799.

IGLESIA FERREIRÓS, Aquilino, *La creación del Derecho. Una historia de la formación del derecho estatal español. Manual*; I-



II, Editorial Gráficas Signo, Barcelona, 1992, pp. 447 i 507 (hi ha traducció catalana).

LALINDE ABADÍA, Jesús, *Iniciación histórica al Derecho Español. Selección de textos históricos por Sixto Sánchez-Lauro*; PPU, Barcelona, 1989 (4 ed.), pp. 670.

MONTAGUT ESTRAGUÉS, Tomàs de e t MALUQUER DE MOTES I BERNET, Carlos J., *Història del Dret espanyol*; Edicions de la Universitat Oberta de Catalunya, Barcelona, 1997, pp.271.

PÉREZ-PRENDES Y MUÑOZ DE ARRACÓ, José Manuel, *Curso de Historia del Derecho Español. I. Parte general*; Universidad Complutense, Madrid, 1986 (2 ed.), pp. 950.

TOMÁS Y VALIENTE, Francisco, *Manual de Historia del Derecho Español*; Editorial Tecnos, Madrid, 1981 (3 ed.), pp. 630.

### Heuristic textbooks

SÁNCHEZ, Galo, *Curso de Historia del Derecho Español. Introducción y fuentes*; Universidad de Valladolid, Valladolid, 1972 (10 ed.), pp. 198.

### 3. Supplementary bibliography

The bibliography only includes references aimed at auxiliary material for consultation or for text commentary; but two warnings must be kept in mind:

1. Exercise great caution in the works cited under epigraph III (Historical text commentary) because, although this advice on how to tackle the texts can be useful and successful, we must not forget that the legal specifics of our sources is of crucial importance in the subject and, therefore, we must consider the tips mentioned above with regards to this matter.

2. The literature included in Sections V (History of Spain) and VI (History of Catalonia) is not exhaustive nor does it collect the existing monographs on various aspects of the subject. It is restricted to the educational aspect of providing minimal guidance on these renowned and easy access works, which have addressed a thorough and comprehensive history of Spain (in each subsection of epigraph V there are the corresponding volumes for easier and faster identification and consultation). These may be useful in defining the historical context (economy, society, politics and culture) for discussing the texts and, therefore, it is not surprising that law does not play a large role. However, this need is perfectly covered by other history textbooks on basic law.

### I. Historical atlas

KINDER, Hermann et HILGEMANN, Werner, *Atlas histórico mundial. I. De los orígenes a la Revolución Francesa*; Ediciones Istmo, Madrid, 1986 (13 ed.), pp. 311.

KINDER, Hermann et HILGEMANN, Werner, *Atlas histórico mundial. II. De la Revolución Francesa a nuestros días*; Ediciones Istmo, Madrid, 1978 (7 ed.), pp. 358.

MESTRE I CAMPI, Jesús et HURTADO, Víctor (dir.), *Atlas d'Història de Catalunya*; Edicions 62, Barcelona, 1995, pp. XV+320.

ROIG OBIOL, Juan, *Atlas de Historia Universal y de España. I. Edades antigua y media*; Editorial Vicens-Vives, Barcelona, 1985 (3 ed.), pp. 98.

ROIG OBIOL, Juan, *Atlas de Historia Universal y de España. I. Edades moderna y contemporánea*; Editorial Vicens-Vives, Barcelona, 1980, pp. 213.

VICENS VIVES, Jaime, *Atlas de Historia Universal*; Editorial Teide, Barcelona, 1986 (20 ed.), pp. 40+77 lams.

### II. Chronology

ARTOLA, Miguel (dir.), *Enciclopedia de Historia de España. VI. Cronología. Mapas. Estadísticas*; Alianza editorial, Madrid, 1993, pp. 1241.

CAPPELLI, A., *Cronologia, cronografia e calendario perpetuo. Dal principio del l'era cristiana ai nostri giorni. Tavole cronologico-sincrone e quadri sinottici per verificare le date storiche*; Editore Ulrico Hoepli, Milano, 1988 (6 ed.), pp. XV+606.

### III. Historical text commentaries

ARTOLA, Miguel, *Textos fundamentales para la Historia*; Alianza editorial, Madrid, 1992 (10 ed.), pp. 638.

GARCÍA DE CORTÁZAR, José Ángel, *Nueva Historia de España en sus textos. Edad Media*; Pico Sacro, Santiago de Compostela, 1975, pp. 795.

GIRALT RAVENTÓS, E., ORTEGA CANADELL, Rosa et ROIG OBIOL, Juan, *Textos, mapas y cronología. Historia Moderna y Contemporánea*; Editorial Teide, Barcelona, 1979 (2 ed.), pp. VIII+528.

LARA PEINADO, Federico et RABANAL ALONSO, Manuel Abilio, *Comentario de textos históricos. Método y recopilación*; Cátedra, Madrid, 1997, pp. 341.

LÓPEZ CORDÓN, María Victoria et MARTÍNEZ CARRERAS, José Urbano, *Análisis y comentario de textos históricos. Edad Moderna y Contemporánea*; Alhambra, Madrid, 1978, pp. X+238.

MITRE FERNÁNDEZ, Emilio et LOZANO, A., *Análisis y comentario de textos históricos. Edad Antigua y Media*; Alhambra, Madrid, 1979, pp. X+408.

SALRACH, Josep Maria, *Entre Roma i el Renaixement: història i textos de l'Occident medieval*; Eumo, Vic, 2002, pp. 320.

UBIETO ARTETA, Agustín, *Cómo se comenta un texto histórico*; Anubar ediciones, Zaragoza, 1978 (2 ed.), pp. 312.

### IV. Dictionaries and historical encyclopedias

ARTOLA, Miguel (dir.), *Enciclopedia de Historia de España*; Alianza editorial, Madrid, 1988-1993, 7 vols.

BLEIBERG, Germán (dir.), *Diccionario de Historia de España*; Alianza editorial, Madrid, 1981 (2 ed.), 3 vols.

BOYD, Katharine (dir.), *Diccionari d'Història Universal Chambers. Direcció de la versió catalana d'Emili López i Tossas i Jesús Mestre i Campi*; Edicions 62, Barcelona, 1995, pp. 1160.

COOK, Chris, *Diccionario de términos históricos. Traducción y adaptación de Fernando Santos Fontenla*; Alianza editorial, Madrid, 1993, pp. 523.

LANGER, William L. (dir.), *Enciclopedia de Historia Universal. Versión española de Javier Faci Lacasta*; Alianza editorial, Madrid, 1980, 2 vols.

MESTREI CAMPI, Jesús (dir.), *Diccionari d'Història de Catalunya*; Edicions 62, Barcelona, 1992, pp. XXVIII+1147.

### V. History of Spain

#### V.1. General

ARTOLA, Miguel (dir.), *Historia de España. Alfaguara*; Alianza editorial-Alfaguara, Madrid, 1973, 7 vols. (= ARTOLA).

MENÉNDEZ-PIDAL, Ramón (dir.), *Historia de España*; Editorial Espasa-Calpe, Madrid, 1960, 49 vols. (= MENÉNDEZ).

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