

## **EUROPEAN LEGAL HISTORY**

**Bachelor of Laws LLB [2504110] SEP-2023 ELH-NLL.1.S.A**

Area Private and Business Law

Number of sessions: 30

Academic year: 23-24

Degree course: FIRST

Number of credits: 6.0

Semester: 1<sup>o</sup>

Category: BASIC

Language: English

Professor: **MIGUEL ZULUETA ZULUETA**

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Dr Miguel Larrañaga is a specialist in the social and cultural history of the European Middle Ages. Since his doctorate in 1994, he has been a university professor and researcher in Spain (Alcala, CSIC) and the US (Stanford), and visiting professor in universities of Germany (Münster), US (Minnesota), and UK (Oxford).

Currently he is a vice-rector and professor of IE University, Director of IE University's Antiquity and Middle Ages Research Center (<http://www.amarc-ieu.education/html/en-index.html>), and a member of the advisory board of the Journal of Medieval Iberian Studies (Routledge, US).

His interest in the Middle Ages began during his undergraduate studies of Philosophy in Madrid. After a specialization in Paleography he dedicated his doctoral thesis to the systemic transformations and social conflicts during the 14th and 15th centuries. That research was based on legal texts from Medieval and Modern periods. He has published 10 books and a large number of scientific articles on these topics.

Please, contact by e-mail to schedule tutorials or 1-2-1 meetings, from Monday to Friday.

### **SUBJECT DESCRIPTION**

European Legal History offers a chronological and comparative evolution of law in Europe from ancient Roman times until the beginning of the twentieth century. It aims to contextualize this evolution by embedding the history of law within its larger cultural, intellectual, political and economical context. It offers an evolution of some important sources of law (legislation, customary law, case law and doctrine) as well as some of law's most important private and public law institutions (contracts, property, torts, corporations, human rights...).

## LEARNING OBJECTIVES

- To make students familiar with the basic historical development of law in Europe in its broader intellectual, cultural, political and economical context
- To explain some basic legal concepts, sources and institutions
- To introduce students to the comparative law method by pointing to similarities and differences between the history of common and civil law systems
- History of Human Rights in context: Right to due process; medieval conceptions of equality and liberty (as opposed to slavery, feudalism, serfdom, ...); notions of human rights and human dignity within natural law theories (Vitoria, Las Casas, Grotius, ...); human rights charters during Enlightenment
- Diversity: in our survey of 2500+ years of legal history all the jurists discussed are white males: context and explanation
- Climate change: impact of climatological changes in the past (global warming and cooling around 500AD, 1000AD, around 1500AD and from 1800AD onwards) on law and society.
- Legal tools and vehicles for the creation of sustainable wealth in the course of history: contracts, property rights, corporations

## TEACHING METHODOLOGY

IE University teaching method is defined by its collaborative, active, and applied nature. Students actively participate in the whole process to build their knowledge and sharpen their skills. Professor's main role is to lead and guide students to achieve the learning objectives of the course. This is done by engaging in a diverse range of teaching techniques and different types of learning activities such as the following:

European Legal History is a course designed to provide a strong intellectual framework for future lawyers that helps them to situate their professional activity within a wider political, economic, intellectual, and social context, and to assess it critically and independently.

It is important to point out that this course will look to European legal history from a variety of approaches that form this discipline: law, history, politics, economics, etc. In order to show the importance of this multidisciplinary approach, a number of case studies will be introduced where historical legal texts will be discussed within the context in which they were generated, as well as their position within the evolution of legal history.

Learning will be based on four main methods:

1. Lectures, in which the students will be provided with the overall view of a specific aspect of legal history. The students will have to prepare each session with assigned readings, which will be confirmed or defined in due time, and which can be evaluated. During the lectures, students are expected to collaborate by answering questions of the professor (cold-calling and volunteering) and by participating in debates.
2. Independent work at home, which will be written by students and, if considered appropriate, presented in subsequent sessions.
3. Case studies and exercises, in which texts or topics will be presented and discussed, individually or in groups.

4. Self-study, in which students are required to autonomously master a subject or theme related to the course. Students will be provided with feedback, possibility for Q&A; deliverables will depend on the subject.

<b>Learning Activity</b>	<b>Weighting</b>	<b>Estimated time a student should dedicate to prepare for and participate in</b>
Lectures	36.67 %	55.0 hours
Discussions	0.0 %	0.0 hours
Exercises in class, Asynchronous sessions, Field Work	13.33 %	20.0 hours
Group work	0.0 %	0.0 hours
Individual studying	50.0 %	75.0 hours
<b>TOTAL</b>	<b>100.0 %</b>	<b>150.0 hours</b>

## **PROGRAM**

### **SESSION 1 (LIVE IN-PERSON)**

#### **Sustainability Topics:**

- Governance
- Economic Development

?Introduction?.

### **SESSION 2 (LIVE IN-PERSON)**

#### **Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Roman Law I?.

### **SESSION 3 (LIVE IN-PERSON)**

#### **Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Roman Law I?I.

### **SESSION 4 (LIVE IN-PERSON)**

#### **Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

?Roman Law I?II.

## **SESSION 5 (LIVE IN-PERSON)**

### **Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

?Roman Law I?V.

## **SESSION 6 (LIVE IN-PERSON)**

### **Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Roman Law V?.

## **SESSION 7 (LIVE IN-PERSON)**

### **Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Roman Law VI?.

## **SESSION 8 (LIVE IN-PERSON)**

### **Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Roman Law VII?.

## **SESSION 9 (LIVE IN-PERSON)**

### **Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

?Roman Law VIII?.

## **SESSION 10 (LIVE IN-PERSON)**

**Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Roman Law IX?.

**SESSION 11 (LIVE IN-PERSON)**

**Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Middle Ages I?.

**SESSION 12 (LIVE IN-PERSON)**

**Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Middle Ages II.

**SESSION 13 (LIVE IN-PERSON)**

Midterm Exam.

**SESSION 14 (LIVE IN-PERSON)**

**Sustainability Topics:**

- Environment
- Governance
- Social Challenge
- Economic Development

Middle Ages III.

**SESSION 15 (LIVE IN-PERSON)**

**Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Middle Ages IV.

**SESSION 16 (LIVE IN-PERSON)**

**Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Middle Ages V.

## **SESSION 17 (LIVE IN-PERSON)**

### **Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Middle Ages VI?.

## **SESSION 18 (LIVE IN-PERSON)**

### **Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Middle Ages VII.

## **SESSION 19 (LIVE IN-PERSON)**

### **Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Middle Ages VIII.

## **SESSION 20 (LIVE IN-PERSON)**

### **Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

?Early Modern Age I?.

## **SESSION 21 (LIVE IN-PERSON)**

### **Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Early Modern Age II?.

## **SESSION 22 (LIVE IN-PERSON)**

**Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Early Modern Age III.

**SESSION 23 (LIVE IN-PERSON)**

**Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Early Modern Age IV.

*Book Chapters: "Property", The Cambridge Companion to Hugo Grotius (Cambridge University Press, 2021), pp. 492-512 (CED)*

**SESSION 24 (LIVE IN-PERSON)**

**Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Early Modern Age V.

**SESSION 25 (LIVE IN-PERSON)**

**Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Bourgeois Period I.

**SESSION 26 (LIVE IN-PERSON)**

**Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

?Bourgeois Period II?.

**SESSION 27 (LIVE IN-PERSON)**

**Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

Bourgeois Period III.

## **SESSION 28 (LIVE IN-PERSON)**

### **Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

?Common Law I?.

## **SESSION 29 (LIVE IN-PERSON)**

### **Sustainability Topics:**

- Governance
- Social Challenge
- Economic Development

?Common Law I?!

## **SESSION 30 (LIVE IN-PERSON)**

Final Exam.

## **EVALUATION CRITERIA**

### **A. GENERAL OBSERVATIONS**

Each student has four attempts over two consecutive academic years to pass this course. Dates and location of the final exam will be posted in advance and will not be changed. Attendance is mandatory and students must attend at least 70% of the sessions. Students who do not comply with the 70% attendance rule will receive a 0.0 on their first and second attempts and go directly to the third one (they will need to enroll in this course again the following academic year). Students who are in the third or fourth attempt should contact the professor during the first two weeks of the course.

### **B. EVALUATION AND WEIGHTING CRITERIA**



See below for more details. Class participation will include the comments, discussions, and questions and answers exchanged during the lectures, exercises and case studies. Effective comprehension of the assigned readings is an essential factor for the evaluation of class participation, and readings might be tested. Ad hoc written assignments covering subjects dealt with during the lectures might be counted for as class participation. Readings and exercises can also be tested by peer-to-peer evaluation. Any deliverable in a session in which the student is absent for whatever reason will be graded with 0/10. Case studies and in-class exercises will include, as instructed by the professor, the preparation and handing in of summaries, papers, commentaries on historical legal texts, commentaries on historical sources other than legal texts, or essays, as well as the oral presentation and discussion of case materials, either individually or in group. Evaluation will depend on the depth, quality, clarity, and frequency of the contributions. Other deliverables can include participation in discussion boards, tests, short written answers, etc. The mid-term exam will consist of a written or oral explanation or consideration of one or more particular aspects of Roman legal history and Roman law. The exam will consist in a combination of multiple-choice questions, essay-questions, insight questions, commentaries on legal texts or other sources, and a series of short question-answers. The final exam will consist in a written or oral explanation or consideration of one or more particular aspects of European legal history. The exam will consist in a combination of multiple-choice questions, essay-questions, insight questions, commentaries on legal texts or other sources, and a series of short question-and-answers. The exam will cover everything that students have learned during the course, including lectures, exercises, readings, case discussions and group exercises during the entire course. Detailed announcements regarding readings ahead of each session, assignments, case studies and other materials/requirements to pass the course will be made in due time via BlackBoard, and students must consult the announcement section on BlackBoard and their IE e-mail address on a daily basis.

criteria	percentage	Learning Objectives	Comments
Final Exam	0 %		
Other	0 %		
Intermediate tests	0 %		
Individual presentation	0 %		
Group Work	0 %		
Class Participation	0 %		
Group Presentation	0 %		
Individual work	0 %		

### RE-SIT / RE-TAKE POLICY

Any student whose weighted final grade in the first (or third) call is below 5 will be required to sit for the retake exam in order to pass the course (except those not complying with the attendance rules, who go directly to the third call). Grading for retakes will be subject to the following rules:

- The retakes will consist of a comprehensive written or oral exam. The grade will depend only on the performance on this exam; continuous evaluation over the semester will not be taken into account.
- The passing grade for the retake is 5 and the grade is capped at 8 out of 10. The third attempt will require the student to complete a final exam (oral or in writing).
- Dates and location of the retakes will be posted in advance and will not be changed.

### BIBLIOGRAPHY

#### Compulsory

- Bart Wauters. (2020). *Elements of Roman Private Law*. 1st. Acco. Leuven. ISBN

9789463799164 (Digital)

Text and exercises. This book is available in an online version only and can be acquired via [www.acco.be](http://www.acco.be).

- OF Robinson / TD Fergus / WM Gordon. (2000). *European Legal History*. 1st. Oxford University Press. ISBN 9780406913609 (Printed)

This book traces the development and absorption of Roman Law into western European systems. It is based on legal original sources.

### **Recommended**

- Randall Lesaffer. (2002). *European Legal History. A Cultural and Political Perspective..* 1st. Cambridge. ISBN 978052187798 (Digital)

This historical introduction to the civil law tradition, from its original Roman roots to the present day, considers the political and cultural context of Europe's legal history.

### **BEHAVIOR RULES**

Please, check the University's Code of Conduct [here](#). The Program Director may provide further indications.

### **ATTENDANCE POLICY**

Please, check the University's Attendance Policy [here](#). The Program Director may provide further indications.

Bear in mind that this course requires the use of a device (laptop, tablet, smartphone...) with Wifi and/or internet connection.

### **ETHICAL POLICY**

Please, check the University's Ethics Code [here](#). The Program Director may provide further indications.