

Introduction to the History of Justice

Professor: Isabel Graes

Syllabus:

Seminar description:

- I. Introduction : brief considerations about the History of justice and its importance
- II. Preparing the modern period: The Middle Age and its legacy
- III. The first judicial maps
- IV. The political power and the judiciary institutions
- V. The judiciary institutions
- VI. The positive law
- VII. The perfect judge and the good lawyer
- VIII. The instruments of justice

Learning outcomes:

The present seminar aims to provide a framework and an overview of the occidental judicial system during the modern Age, especially regarding the Portuguese example.

Teaching methodologies (including evaluation)

Methodology and assessment: The themes will be presented by the teacher and the students are prompted to intervene and participate.

The class requires active and regular participation and preparation for daily discussions. This includes attending each class on time, listening, contributing in class.

Grades will be based exclusively on class participation and a writing assignment that has to be emailed until the April 1st.

No exam will be required.

Optional Bibliography:

ASCHERI, M., *Tribunali, giuristi e istituzioni dal medioevo all'età moderna*, Bologna, 1989;
BENTON, Lauren & ROSS, Richard J., *Legal pluralism and empires, 1500-1850*, New York, New York Press, 2013;
BASDEVANT-GAUDEMET, Brigitte e GAUDEMET, Jean, *Introduction historique au droit, XIII-XX siècles*, LGDJ, 2^a ed., Paris, 2003;
BERNAL, José Sánchez-Arcilla, *El arbitrio judicial en el Antiguo Regimen (españa y Indias, siglos XVI-XVIII)*, Dykinson, S.L., Madrid, 2012;

Dykinson, 2004;

CABRERO, José Luís Bermejo, *Poder político y administración de justicia en la España de los Austrias*, Imprenta nacional del Boletín oficial del estado, Madrid, 2005;

CASTELLANO, Juan Luis, *Gobierno y poder en la España del siglo XVIII*, Universidad de Granada, Granada, 2006;

CLAVERO, Bartolomé, *La monarquía, el derecho y la justicia*, en *Instituciones de la España moderna*, Las jurisdicciones (coord. E. Martínez Ruiz y M. de Pazzis), Madrid, 1996;

GAUVARD, Claude, *Les juges devant le parlement de Paris aux XIV^e et XV^e siècles*, in *Juger les juges: Du moyen âge au conseil supérieur de la magistrature*, Association Française pour l'Histoire de la Justice, Paris, 2000;

Punir et réparer en justice du XV^e au XXI^e siècle, La documentation française, Paris, 2019;

HALPERIN, Jean Louis, *Forfaiture des juges et privation de l'office á la fin de l'Ancien Régime*, in *Juger les juges: Du moyen âge au conseil supérieur de la magistrature*, Association Française pour l'Histoire de la Justice, Paris, 2000;

Histoire des Droits en Europe de 1750 à nos jours, Paris, Flammarion, 2004;

Five Legal Revolutions since the 17th century. An Analysis of a Global Legal History, Springer, 2014;

HESPANHA, António Manuel, *Les magistratures populaires dans l'organisation judiciaire d'ancien régime au Portugal*, Sep. de: *Diritto e potere nella storia europea*, atti del quarto Congresso internazionale della Società Italiana del Diritto, in onore di Bruno Paradisi, Leo S. Olschki, Firenze, 1982;

HILAIRE, JEAN, *Histoire des institutions judiciaires*, Paris, Les Cours de droit, 1990-1991, 2 vols.;

KRYNEN, JACQUES, *L'élection des juges. Étude historique française et contemporaine*, Paris, PUF, 1999;

LEYTE, Guillaume, *Les origines médiévales du ministère public*, in Jean Marie Carbasse (dir.), *Histoire du Parquet*, PUF, Paris, 2000;

PADOA-SCHIOPPA, Antonio, *Justice et législation*, sous la direction d'Antonio Padoa-Schioppa, *Les origines de l'état moderne en Europe, XIII-XVIII siècles* et sous la direction générale de Wim Blockmans et Jean-Philippe Genet, PUF, Paris, 2000;

OLIVIER-MARTIN, François *Histoire du droit français des origines à la révolution*, éditions Domat Montchrétien, s/l, 1948, pp. 29-31, 54-59, 139-141, 186-193;

STOLLEIS, Michael, *Introducción al Derecho Público alemán (siglos XVI-XXI)*, Marcial Pons, Madrid, 2018;

SUEUR, Philippe *Histoire du droit public français, XV^e-XVIII^e siècle*, PUF, 2^a ed., 1993, II vol.;

TOMÁS Y VALIENTE, Francisco, *Gobierno e Instituciones en la España del antiguo Regimen*, Alianza editorial, Madrid, 1999;

WIEACKER, Franz, *A history of private law in Europe*, Clarendon Press, 1995.