

**COURSE DATA****DATA SUBJECT**

Code: 35261
Name: The history of codes and constitutions
Cycle: Undergraduate Studies
ECTS Credits: 4.5
Academic year: 2025-26

STUDY (S)

Degree	Center	Acad. year	Period
1303 - Degree in Law	Facultat de Dret	4	First quarter

SUBJECT-MATTER

Degree	Subject-matter	Character
1303 - Degree in Law	History of codes and constitutions	ELECTIVES

COORDINATION

TORMO CAMALLONGA CARLOS

SUMMARY**PREVIOUS KNOWLEDGE****RELATIONSHIP TO OTHER SUBJECTS OF THE SAME DEGREE**

There are no specified enrollment restrictions with other subjects of the curriculum.

OTHER REQUIREMENTS**COMPETENCES / LEARNING OUTCOMES**

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Be able to communicate correctly both orally and in writing in the field of law.

Be able to read and interpret legal texts.

Know, understand and know how to apply the interrelation between law and other non-legal disciplines.



Recognise the importance of law as a system for regulating social relations.

Understand the law in its historical dimension and the differences in regulations sequenced chronologically.

Understand the legal system as unitary and have an interdisciplinary perspective of legal problems.

DESCRIPTION OF CONTENTS

1. Introduction. Revolution and Codification.- Powers and the previous legal order.- The beginnings of the Revolution in Spain.

2. Spanish Constitutions. Three questions or problems.- Progressives and moderates. Their constitutional ideas.- Essay of an radiography of power.

3. Reigns of Ferdinand VII and Isabella II. Statute of Bayonne.- Constitution of 1812: 1) Actions prior to the constitution; 2) The Constitution and the powers; 3) Absolutists and liberals.- *Estatuto Real* of 1834.- Constitution of 1837.- Constitution of 1845.- Attempts and reforms.

4. From the Glorious to the Second Republic. Constitution of 1869.- Republican project of 1873.- Constitution of 1876.- Advent of the Second Republic.- Republican Constitution of 1931: the autonomous regions; the republic, the nobility and the clergy; fundamental rights, family, economy and culture; organisation of the state.

5. The Codes. The term code.- European Enlightenment codes.- Meaning of the liberal code.- French codification.- German codification.- Other codifications.

6. Codification in Spain. The Enlightenment codification.- About liberal codification: 1. The codes in our constitutions. 2. Subjects to be codified. 3. The codifying commissions.

7. The Civil Code. The beginnings of civil codification: the 1821 project; - The 1851 project and the foral question; - Delay in civil codification; - A civil code is finally achieved.

8. Criminal and Commercial Codifications. Criminal codes: precedents.- The first Spanish criminal code.- The 1848 code.- Achievements of criminal codification.- Subsequent reforms.- The 1829 commercial code.- Characteristics of the commercial code.

WORKLOAD

PRESENCIAL ACTIVITIES



Activity	Hours
Theoretical and practical classes	45,00
Total hours	45,00

NON PRESENCIAL ACTIVITIES

Activity	Hours
Attendance at other activities	0,00
Individual or group project	7,50
Independent study and work	5,00
Preparation of lessons	51,00
Preparation for assessment activities	0,00
Resolution of case studies	4,00
Total hours	67,50

TEACHING METHODOLOGY

EVALUATION

REFERENCES

- Referencia b1: B. Clavero, Evolución histórica del constitucionalismo español, Madrid, 1984, última reedición. Referencia b2: M. Peset y otros, Historia de las Constituciones y los Códigos, Valencia, 1997, última reedición. Referencia b3: M. Peset, "La primera codificación liberal en España (1808-1823)", Revista crítica de derecho inmobiliario, XLVIII (1972), 125-157. Referencia b4: L. Sánchez Agesta, Historia del constitucionalismo español, 1808-1936, Madrid, 1984. Referencia b5: J. Solé Tura y A. Aja, Constituciones y período constituyentes en España, 1808-1936, Madrid, 1977. Referencia b6: F. Tomás y Valiente, Códigos y Constituciones (1808-1978), Madrid, 1989. Referencia b7: F. Tomás y Valiente, Génesis de la Constitución de 1812. I. De muchas leyes fundamentales a una sola Constitución, A.H.D.E., 65 (1995), 13 -125. Referencia b8: J. Tomás Villarroya, Breve historia del constitucionalismo español, Madrid, 1985, última reedición.
- Referencia c1: M. Artola, Los orígenes de la España contemporánea, 2 vols., Madrid, 1975-76, última reedición. Referencia c2: M. Artola, Partidos y programas políticos, 1808-1936, Madrid, 1974. Referencia c3: J. Baró Pazos, La codificación del derecho civil en España (1808-1889), Santander, 1993. Referencia c4: J. R. Casabó Ruiz, "Los orígenes de la codificación penal", Anuario de derecho penal, XII (1969), 313-343. Referencia c5: J. Fontana, J., La crisis del Antiguo Régimen, 1808-1833, Barcelona, 1983, última reedición. Referencia c6: M. Peset, "Derecho y propiedad en la España liberal", Quaderni fiorentini per la storia del pensiero giuridico moderno, 5-6 (1976-1977), I, pp. 463-507. Referencia c7: C. Petit, "Derecho mercantil: entre corporaciones y códigos", Hispania. Entre derechos propios y derechos nacionales, Milano, 1990, I, pp. 315-500. Referencia c8: C. Petit, "El Trienio y sus códigos. Estudios", Madrid, Dykinson, 2022.