

Remembering Tomás y Valiente: The Notion of
Crime in Modern Spain

This paper studies the relationship between the concepts ›crime‹ and ›sin‹ as used in the criminal law of the modern Spanish Monarchy, analyzing the interpretative postulates of Francisco Tomás y Valiente's classic work. Based on juridical and theological literature, as well as the types of ›leges mere poenales‹ and ›leges poenales mixtae‹, the text analyzes the difference between ›lata sententia‹ and ›ferenda sententia‹ penal rules. To conclude, an evolution of the general criteria used to classify the penal statutes of the 19th century is explained.

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The ›Discovery‹ of the Cooperation of State and
Society in the Science of Public Law since the 1960s

In the 1960s, the intertwining of the private and public spheres provoked controversial discussions amongst public law scholars, who debated this issue in the context of the concept ›cooperation‹. Some scholars regarded the so-called osmosis between state and society sceptically, fearing that society might roll back the power of the state. Others, however, regarded this cooperation as very promising, thus giving birth to the idea of the ›cooperative state‹ (Ernst-Hasso Ritter).

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