

COURSE SYLLABUS

1. COURSE DESCRIPTION

Degree:	DERECHO
Double degree:	ADMINISTRACIÓN Y DIRECCIÓN DE EMPRESAS Y DERECHO (GADE-DER)
Course:	COMPARATIVE LAW AND UNIFICATION OF LAW
Module:	Module VI
Departments:	PRIVATE LAW / PUBLIC LAW
Academic year:	2017-2018
Term:	Second Term
Total Credits:	5,9 (2 EPD)
Year:	5th (GADE-DER)
Type of Course:	Basic
Course Language:	English

Teaching model:	A1	
a. General Background:		70%
b. Theory-into-practice/developmental knowledge-building:		30%
c. Guided Academic Activities:		

COURSE SYLLABUS

2. TEACHING TEAM INFORMATION

Course coordinator	
Name:	César Hornero Méndez
Faculty:	Faculty of Law
Department:	Private Law
Academic Area:	Civil Law
Category:	Profesor Contratado Doctor
Office Hours:	(To be announced)
Office No.:	6.3.08
E-mail:	chormen@upo.es
Tel.:	954349302

COURSE SYLLABUS

3. ACADEMIC CONTEXT

3.1. Description of the objectives

Provide students with the basic knowledge and understanding of the international legal context in the area of private and public law, as well as study of the various legal processes of legal unification in the European and international framework.

3.2. Contributions to the training plan

This subject is inserted into the training plan of the Double Degree in order to complete the basic legal training of graduates, providing an overcoming broad perspective on the current reality of law in the contemporary world, superseding the purely national vision. At the same time, it is intended to familiarize students with the international legal field, both conceptually and institutionally, as well as from the professionalizing prism.

3.3. Recommendations or prior knowledge required

Legal knowledge derived from having taken the subjects of previous modules is taken for granted. It is recommended that student handle the basics of a foreign language.

4. SKILLS

COURSE SYLLABUS

4.1 Degree competences developed in the course

- Possession and understanding of specific knowledge
- Application of knowledge to professional practice
- Recognition of diversity and multiculturalism
- Become aware of the importance of law as a regulatory system of social relations
- Understand the different ways of creating the law in its historical evolution, its current situation and future prospects

4.2. Module skills developed in the course

- Capacity of analysis and synthesis
- Ability to manage information
- Acquire the ability to work in teams
- Independent learning skills
- Ability to practice oral and written expression
- Know the overall configuration of legal systems
- Acquire a critical awareness in the analysis of the legal system
- Acquire basic legal terminology in Spanish and in a foreign language
- Acquire the capacity to handle legal sources
- Acquire the ability to read, interpret and write documents, legal texts and writings.

4.3. Subject's specific skills

- Acquire the ability to solve legal problems from a comparative perspective
- To understand the interaction of law with extralegal factors
- Strengthen critical perspective on the legal system itself
- Know the genesis and development of legal systems and their connection elements
- Become aware of the importance of the processes of supranational legal unification

COURSE SYLLABUS

5. COURSE CONTENT (COURSE TOPIC)

Item 1. 1.1 The Comparative Law as a discipline. 1.2 Historical development. 1.3 Functions and methodology.

Item 2. 2.1 Legal systems: system's concept. 2.2 Classification and overview of the contemporary world.

Item 3. 3.1 Public Law in Western legal systems. 3.2 Forms of state, government and administration. 3.3. Control of constitutionality.

Item 4. 4.1 The Private Law in Western legal systems: Civil Law and Common Law: general characteristics of both systems 4.2 Historical reasons for the formation of both systems and tradition of ius commune. 4.3. Civil law: legal families and extra-European projection. 4.4 The Common Law in its historical evolution and its extra-European projection.

Item 5. 5.1 Sources in Western legal systems: the laws and codes, court judgments, doctrine. 5.2 The court system. 5.3 The legal professions.

Item 6. 6.1 Processes of unification, harmonization and codification: conceptual approach. 6.2 The process of unification in Public and Private Law. 6.3 Routes for the unification of European Private Law.

Item 7. Methodology in comparative law: the law in action.

6. METHODOLOGY AND RESOURCES

To achieve the above objectives, the teaching method is developed through various means:

- First, to further the understanding of the subject matter, the fundamental contents described in the syllabus will be taught by the teacher in the classes corresponding to the Enseñanzas Básicas (Basic Teaching).
- In the area of the Teachings of Practice and Development, active participation of students through the study of legal, jurisprudential and doctrinal texts will be especially promoted. Some of these activities will be conducted in team.
- For the development of the teaching-learning process tutorials with the lecturer, at the time fixed by him/her, will also be used.

COURSE SYLLABUS

- The tool WebCT for virtual learning will be an indispensable complement for any of the above activities.

7. ASSESSMENT

Comparative Law is classified as type A1 in the design of the degree. This implies that the proportion of different educational activities is as follows: General Teaching (GT) constitute 70% of the training activities undertaken in the course. The remaining 30% consists of practical work in seminars (PT).

The assessment system will maintain consistency with the training activities undertaken in this type of subject. General Teaching (GT), specific skills and learning tools acquired will be assessed through a final exam. This will make up 70% of the final grade for the course. Practical Teaching (PT) will be evaluated through continuous assessment. PT assessment makes up the remaining 30% of the final grade for the course.

The evaluation of the subject will be developed through various means:

The examination will be held on the date designated for the purpose by the Dean, and will be corrected on 7 points.

The rest of the score up to 10 points (3 points) is obtained from classroom activities, being it a result of continuous assessment. To pass the course a minimum of 5 points out of a maximum of 10 is required.

In the correction of the various tests different issues are taken into account, in this order:

1. Appropriateness of the student's knowledge when compare with syllabus content.
2. Ability of exposition and argumentation (essay questions), of synthesis (short questions) and reasoning ability (text comments). The exams will be written. Only exceptionally oral examinations will be held.
3. In the oral presentations in class relevance and correction will be considered; in case of the teamwork the student's contribution to the common result will be assessed.

Please note that in compliance the Normativa de Régimen Académico y de Evaluación del Alumnado (Title II, Chapter II, Articles 12.2 and 14.3) agreed in Consejo de Gobierno de la Universidad Pablo de Olavide de Sevilla on July 18, 2006): "With regard to essays or other homework, plagiarism and/or the use of unoriginal material—

COURSE SYLLABUS

including information obtained from online sources—without explicit and proper citing (and, where required, the express permission of the author), may warrant a mark of FAIL in a subject, regardless any other applicable academic sanctions warranted by academic misconduct on the part of the students. [...] After consulting the teaching staff, students and any other university members considered necessary, the Director of the Department responsible for the subject will decide on the need for further measures including an official academic integrity hearing

In the second exam session (July) students will have the opportunity of retaking an exam only of the part corresponding to GT or, instead, of also retaking the exam of the part corresponding to PT. If the student decides to take an additional exam regarding the PT, he will have to let the teacher in charge know 10 days before the exam

8. GENERAL BIBLIOGRAPHY

David, René and John E.C. Brierly. *Major Legal Systems in the World Today*. London: Stevens & Sons, 2nd ed., 1978.

De Cruz, Peter. *Comparative Law in a Changing World*. London: Cavendish, 2nd ed., 1999.

Edge, Ian, ed. *Comparative Law in Global Perspective*. Ardsley, NY: Transnational, 2000.

Geest, Gerrit de and Roger van den Bergh, eds. *Comparative Law and Economics*. Northampton, MA: Edward Elgar Publ., 2004.

Glendon, Mary Ann, Michael Wallace Gordon and Christopher Osakwe. *Comparative Legal Traditions*. St. Paul, MN: West Publ., 2nd ed., 1994.

Harding, Andrew and Esin Örüçü, eds. *Comparative Law in the 21st Century*. New York: Kluwer, 2002.

Menski, Werner. *Comparative Law in a Global Context: The Legal Systems of Asia and Africa*. Cambridge, UK: Cambridge University Press, 2nd ed., 2006.

Örüçü, Esin. *Critical Comparative Law: Considering Paradoxes for Legal Systems in Transition*. Deventer: Kluwer, 1999.

Watson, Alan. *Legal Transplants: An Approach to Comparative Law*. Athens, GA: University of Georgia Press, 2nd ed., 1993.

Zweigert, Konrad and Hein Kötz (Tony Weir, trans.). *Introduction to Comparative Law*. Oxford, UK: Clarendon Press, 3rd ed., 1998.