



COMPARATIVE LAW COURSE (2017/2018)

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General purpose of the course

This course aims at providing students with an overview of the main legal systems of the contemporary world, with emphasis on those of the civil law and common law legal families. The different forms of interaction between those legal systems, especially those arising from the formation of hybrid legal systems and the harmonisation and unification of laws associated with international economic integration, shall also be analysed in the course.

Lecturing system and use of languages

The course is divided into general lectures, in which the topics of the program are expounded systematically, and seminars, in which cases and statutes are discussed with students. Lectures will be given in Portuguese and, for Erasmus students, in English. Tutorials are also available upon request.

Evaluation method

The course may be attended either in the continuous or the final evaluation methods. Students that enrol in the continuous evaluation system may submit a research paper on a topic of their choice, prepared under the supervision of the course lecturers. Written tests and papers may be presented in English, French, German, Portuguese, or Spanish. Oral examinations may also be conducted in any of these languages.

Syllabus

Introduction

Part I – The major legal systems of the world compared

1. Legal systems in general
2. The Roman-German legal family
3. The *Common Law* legal family
4. The Muslim legal family
5. African legal systems
6. Hindu Law
7. Chinese law
8. A comparative synthesis

Part II – The interaction between legal systems

1. Hybrid legal systems
2. Reception of foreign law
3. The international harmonization and unification of legal systems and their limits

Bibliography

- In English: Konrad Zweigert and Hein Kötz, *An Introduction to Comparative Law*, Oxford, Clarendon Press, 1998; H. Patrick Glenn, *Legal Traditions of the World. Sustainable Diversity in Law*, 4th ed., Oxford, Oxford University Press, 2010; Michael Bogdan, *Concise Introduction to Comparative Law*, Groningen, Europa Law Publishing, 2013; Raymond Youngs, *English, French & German Comparative Law*, 3rd ed., London/New York, Routledge, 2014.
- In French: René David, Camille Jauffret Spinosi and Marie Goré, *Les grands systèmes de droit contemporains*, 12th ed., Paris, Dalloz, 2016; Raymond Legeais, *Grands systèmes de droit contemporains. Approche comparative*, 3rd. Ed., Paris, Lexis Nexis, 2016.
- In German: Konrad Zweigert and Hein Kötz, *Einführung in die Rechtsvergleichung*, 3rd ed., Tübingen, J.C.B. Mohr (Paul Siebeck), 1996; Uwe Kischel, *Rechtsvergleichung*, München C.H. Beck, 2015.
- In Italian: António Gambaro and Rodolfo Sacco, *Sistemi Giuridici Comparati*, 2nd. ed., reprint, Torino, UTET, 2004.
- In Portuguese: Dário Moura Vicente, *Direito Comparado*, Coimbra, Almedina, 3rd. ed., vol. I, 2014; vol. II, 2017.
- In Spanish: Manuel Guillermo Altava Lavall (coord.), *Lecciones de Derecho Comparado*, Castelló de la Plana, Universitas, 2003.

Internet sites with free access

<http://www.biicl.org> (British Institute of International and Comparative Law).
<http://www.civil.udg.es/ecplp> (European and Comparative Private Law Page).
<http://www.comparativelaw.org/> (American Society of Comparative Law).
<http://comparativelawblog.blogspot.com> (Comparative Law Blog)
<http://www.constitution.org> (Constitution Society)
<http://www.dvr.euw-frankfurt-o.de/Welcome.html> (Der virtuelle
 Rechtsvergleicher).
<http://www.ejcl.org> (Electronic Journal of Comparative Law).
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<http://www.juriguide.com> (Juriguide).
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<http://www.lexadin.nl/wlg> (World Legal Guide).
<http://www.legiscompare.com> (Société de Legislation Comparée).
<http://www.loc.gov/law/guide> (Library of Congress/Guide to Law Online).
<http://www.loc.gov/law/public/glm> (Library of Congress/Global Legal Monitor).
<http://www.mpipriv.mpg.de> (Max-Planck-Institut für Ausländisches und
 Internationales Privatrecht).
<http://www.nyulawglobal.org/globalex> (New York University/Globalex).
<http://www.ouclf.iuscomp.org> (Oxford University Comparative Law Forum).
http://ucl.ac.uk/laws/global_law/index.shtml (Institute of Global Law, University
 College London).