



Comparative Law 2024/2025

Principal Professor: Prof. Doutor Dário Moura Vicente
Practical class lecturer: Catarina Granadeiro, LLM

A) General purpose of the course:

This course aims to explain to students the plethora of functions of Comparative Law. Furthermore, it aims at providing students with an overview of the main legal families of the contemporary world: the family of Civil and that of Common Law, the latter through the examples of the English and American Legal Systems. The characteristics which define both will be explained and exercised in practical examples. In furtherance of the comparative analysis and given the seminal relevance of contracts in everyday life as well as in legal theory, halfway throughout the semester classes will focus on the particulars of comparative law of obligations through the discussion of contract definition, formation, performance and breach as well as the tenets of liability.

B) Lecturing system:

English speaking classes will be held in a theoretical/practical setting where the participation of students is expected and encouraged.

C) Syllabus:

Chapter I – Introduction to Comparative Law. Modalities of comparative law, and its main functions.

Chapter II – The Roman-German legal family. In particular, the German, French and Portuguese legal systems. A potential lusophone family of law.

Chapter III – The *Common Law* legal family. English Law and Law in the United States of America.

Chapter IV – Contractual Law. The notion of contract and its constituent elements in the Civil and the Common Law traditions. Cause and consideration. The formation of contracts in the Civil and the Common Law traditions. Precontractual liability. Contractual fairness. Performance and breach of contracts; remedies for the breach of contract.

D) Main Bibliography:

In English:

General comparative law: 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*, 5th ed., Oxford, Oxford University Press, 2014; 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; Uwe Kischel, *Comparative Law*, Oxford, Oxford University Press, 2019.

Comparative law of obligations: Dário Moura Vicente, *Comparative Law of Obligations*, Edgar Elgar Publishing (2021)

In French: Gilles Cuniberti, *Grands systèmes de droit contemporains. Introduction au droit comparé*, Paris, LGDJ, 2019 ; René David and Camille Jauffret Spinosi, *Les grands systèmes de droit contemporains*, 12th. ed., Paris, Dalloz, 2016; Raymond Legeais, *Grands systèmes de droit contemporains. Approche comparative*, 3rd. ed., Paris, Litec, 2016.

In German: Uwe Kischel, *Rechtsvergleichung*, Munich, C.H. Beck, 2015 ; Konrad Zweigert and Hein Kötz, *Einführung in die Rechtsvergleichung*, 3rd ed., Tübingen, J.C.B. Mohr (Paul Siebeck), 1996.

In Italian: António Gambaro and Rodolfo Sacco, *Sistemi Giuridici Comparati*, 3rd. ed., reprint, Torino, UTET, 2008.

In Portuguese: Dário Moura Vicente, *Direito Comparado*, vol. I, 4th. ed., Coimbra, Almedina, 2018; vol. II, Coimbra, Almedina, 2017

In Spanish: Manuel Guillermo Altava Lavall (coord.), *Lecciones de Derecho Comparado*, Castelló de la Plana, Universitas, 2003.

E) 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.euv-frankfurt-o.de/Welcome.html> (Der virtuelle Rechtsvergleicher).

<http://www.ejcl.org> (Electronic Journal of Comparative Law).

<http://www.ejls.eu> (European Journal of Legal Studies)

<http://www.fd.ulisboa.pt/investigacao/biblioteca-digital-ius-commune/> (Biblioteca Digital *Ius Commune*).

<http://gddc.ministeriopublico.pt> (Gabinete de Documentação e Direito Comparado).

<http://www.germanlawjournal.com> (German Law Journal).
<http://www.glin.gov> (Global Legal Information Network).
<http://www.henricapitant.org> (Association Henri Capitant).
<http://www.isdc.ch> (Institut Suisse de Droit Comparé).
<http://www.iuscomp.org> (The Comparative Law Society).
<http://www.iuscomparatum.org> (Académie Internationale de Droit Comparé).
<http://www.juriguide.com> (Juriguide).
<http://en.jurispedia.org> (Jurispedia).
<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).

F) Library VPN

It is very advisable to set up the University's VPN to access the many databases available to students enrolled in our courses. This is of the utmost importance for students who are performing research for their final papers.

E) Evaluation method:

Explained in the Course Assessment Rules document made available separately to students.