

University of Rome Tor Vergata
Undergraduate Degree (B.A.) in Global Governance

Course Syllabus
Legal Traditions and Comparative Law
12 CFU

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Course description and topics

The Course is divided into three Modules:

- I. Roman Foundations of the Civilian Tradition (Prof. Cardilli, Prof. Fiori), 4 CFU
- II. Comparative Constitutional Law (Prof. Buratti, Prof. Pollicino), 4 CFU
- III. Introduction to West African Legal Systems (Prof. Ibrahim), 4 CFU

I Module: The course will provide an introduction to the difference between legal systems and legal orders. The legal systems are generally based on one of three basic systems: civil law, common law, and religious law – or combinations of these. However, the legal system of each country is shaped by its unique history and so incorporates individual variations.

To understand the interactions between the legal systems and the infra relations between legal systems and legal orders, history of law and comparative law are necessary. History of law is the study of roots and principles that have shaped the contemporary legal orders and help to understand how legal systems could be recognized. Comparative law is the study of differences and similarities between different countries. More specifically, it involves study of the different legal orders and systems in existence in the world, including the common law, the civil law, socialist law, Islamic law, Hindu law, and Chinese law. From an historical point of view enormous importance has the Roman law as foundation of the civilian tradition and bases of modern civil codes. In the most recent times the process of the European integration and of making uniform European legal system largely renewed the interest in *ius commune* as a predecessor of this process in itself, whereby Roman legal tradition, as a common denominator of the European legal culture, became an important factor in the formation of contemporary European identity.

II Module: The course aims at providing students essential knowledge of Constitutional Law's general categories. Two main areas of the course are as follows: a) Concept of Modern Constitutionalism, its theoretical roots and its legal institutions; b) Government and Institutions in Western Countries Constitutions, and in other areas of the world.

The main topics will be: Theoretical Roots of Modern Constitutionalism; English Constitutionalism; The Rise of Constitutionalism in the Age of Revolutions; American Constitution; Constitution and State in XIXth Century; European Constitutions in Post-Second World War; Expansion of Western Constitutionalism; Latin-American Constitutionalism; Open Constitutional State.

III Module: This course will introduce West African Legal Systems by examining (1) pre and post colonial histories and theories including the role and fate of indigenous legal, political, and cultural institutions; colonial laws and institutions; current challenges of peace and security; sustainable development, rule of law, equity and democratization; (2) how law will drive change in societies, through structures and institutions such as investment in infrastructures, education, health and the economy; and (3) the components for a new future. The course will “dissect” particular challenges unearthed in multiple legal systems, and suggest solutions as to how the region with its vast human and natural resources could dismantle oppressive and divisive structures that hinder economic development. We will then assess and evaluate paradigms that can be used to create trust in the local leadership, and press for accountability, transparency, and a full disclosure of the activities of governance.

The course will conclude by proposing how West African governments and peoples can adopt people-centered policies, promote national harmony, and adopt processes that are inclusive of the poor, powerless, voiceless, and illiterate in all stages of policy making and implementation. A regional white paper will address how the region can promote democratic values, justice, and the rule of law. Ultimately, the goal is to suggest solutions that will shape an inclusive, just and sustainable future. The course will be flexible and inclusive.

III Module - Final Essay

The final requirement is completion of a 7-10 pages double-spaced page research paper with appropriate footnotes and, at the end, a full bibliography. Papers should not merely describe some series of historical events, but pose an explanatory problem or puzzle about them, assess relevant theories, and elaborate an explanatory argument. Feel free to be creative in your approach on for the “Blue Print” of ‘your country’. Paper should be send to me via email, by November 28th.

III Module - Grade Breakdown

Class Participation (10%); Class Presentation (20%); Weekly Reading Responses (20%);
Final essay (50%)

Learning objectives

The aim of the course is to offer a basic knowledge of the private and public law in the global perspective.

The course aims at improving student’s ability to use methods of comparative analyses in Law.

The course asks students to learn a Legal Lexicon.

Teaching method

Students will have the possibility to have an open and interactive exchange of views with the Professor, and will be required to read documents and legal materials to be discussed together with the Professor and other Colleagues.

Didactical method is based upon the analyses of materials and classes prepared by Professor, as well as upon the study of documents, jurisprudence, legal texts and case-law studies.

Concepts and expertise given by the course will develop student’s legal knowledge, and will provide them with the skill to grasp other legal issues.

The course includes case study discussions and group work on selected problems.

Required readings

I Module:

- R. Zimmermann, *Roman Law, Contemporary Law, European Law. The Civilian Tradition Today*, Oxford, 2001 (selected chapters).

II Module:

- T. Ginsburg – R. Dixon, *Comparative Constitutional Law*, Elgar Publ., 2011, (selected Chapters);
- A.R. Amar, *America’s Constitution. A Biography*, Random House, 2005, (selected Chapters);
- G. Martinico – O. Pollicino, *The Interaction between Europe’s Legal Systems*, Elgar Publ., 2012 (selected Chapters);

III Module:

- Materials and readings distributed by the Professor.

Exam

Written Mid-term exams (multiple-choice questionnaire) will take place throughout the semester, at the end of each module.

A written essay would be elaborated by the students on specific subjects defined by the Professors.

A final oral exam is be scheduled at the end of the semester.