



Academic Year 2017-2018  
Syllabus  
Legal Traditions and Comparative Law  
CFU 12  
Prof. M. Papa, A. Buratti, H. Ibrahim

### Course Description

The course provides an introduction to the study of law in the global scenario. Through a comparative approach, the course deals with the legal systems of the World and the system of sources of law, the private and public law fundamental institutions in the western World, the constitutional framework of democratic political systems and the human rights theory and social justice in the national and supranational scenario.

The Course is divided into three modules:

- **1st Module**, Introduction to the Legal Systems, Prof. Massimo Papa, 4 CFU
- **2nd Module**, Comparative Constitutional Law, Prof. Andrea Buratti, 4 CFU
- **3rd Module**, Introduction to Critical Human Rights Theory and Social Justice, Prof. Hauwa Ibrahim, 4 CFU

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### 1st Module

#### Introduction to the Legal Systems (Prof. M. Papa)

The course will provide an introduction to the principles, categories, institutions and vocabulary of law. The comparative approach is aimed at providing awareness of the diversity existing in the legal traditions of the World, as well as of the relationships existing between legal systems, history and culture.

Topic 1	Legal systems and legal traditions in the World
Topic 2	Private Law and Public Law
Topic 3	Sources of law
Topic 4	The Civil Law tradition
Topic 5	The Common Law tradition
Topic 6	The Islamic Law tradition

### Teaching Method

Lectures and analyses of materials (case law and historical documents).

### Textbook and Materials

1. P. Glenn, *Legal Traditions of the World*, Oxford Univ. Press, 5<sup>th</sup> Edition, 2014: Selected Chapters pointed out by the teacher.

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### 2nd Module

#### Comparative Constitutional Law (Prof. A. Buratti)

The course analyzes the origins, the goals and the development of western constitutionalism, as well as the structure and the transformations of constitutional law of the western World.

Topic 1	Theoretical Roots of Modern Constitutionalism. Ancient and modern constitutionalism.
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<b>Topic 2</b>	English Constitutionalism: the relationship with the Common law legal system, the claim for separation of powers and fundamental rights.
<b>Topic 3</b>	The Rise of Constitutionalism in the Age of Revolutions: French and American Revolutions constitutionalism, common patterns and different paths
<b>Topic 4</b>	American Constitution: constitutional rigidity, the judicial review of the legislation, federalism. The process of democratization.
<b>Topic 5</b>	Constitution and State in 19th Century: liberal constitutionalism in Europe.
<b>Topic 6</b>	American contemporary constitutionalism: Congress and the Presidency, transformations in the interpretation of federalism and constitutional rights (the role of the Supreme Court).
<b>Topic 7</b>	European Constitutions in Post-Second World War: fundamental rights, forms of government, regionalism, sources of law.
<b>Topic 8</b>	Worldwide expansion of Western Constitutionalism.
<b>Topic 9</b>	Open Constitutional State: the development of the European Union legal order and its institutions.

### Teaching Method

The main aim of the Course is to improve student's capability to use the methods of comparative analyses in Constitutional Law. 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 asks students to learn a Legal Lexicon. 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.

### Textbook and Materials

1. Andrea Buratti, *Western Constitutionalism. An Introduction*, Giappichelli, 2016.

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## Third Module

### Introduction to Critical Human Rights Theory and Social Justice

(Prof. H. Ibrahim)

The new global order is sort of metastasize as we watch. It is incumbent upon us to look beyond systems regimes of laws and legal traditions. In this introductory module, the third in the series of our legal traditions and comparative laws—we will take a dive with three-dimensional (3D) approach to the issues of critical human rights thoughts and social justice. To wit: Human rights in the eye of Technology, globalization and climate change.

Furthermore, human rights and social justice will be more relevant if we see far beyond the regimental and dig dipper in an introductory ways into--- the blur between traditional and domestic boundaries' to international, physical and virtual "mindshare matrix". In light of the 5 C's of a complex globe (i.e.) Countries, Companies, Cities, Communities, and Commonwealths. From a handful of "systemically relevant countries, to the most powerful private companies that's stateless superpower entities, transcending boundaries (example Facebook and Coca cola) to the European Union and the Caribbean CARICOM. The world is becoming a collection of internally borderless mega-regional consortiums—These regional amalgamations are emerging as more of the building blocks of the future world order than countries.

The forces of globalization, technology and climate are accelerating the rise of non-state authorities. More, the recently published Global Trends 2030 report of the National Intelligence Council titled "Alternative Worlds" includes a very plausible scenario in which urbanization, technological advance, and capital accumulation accelerate the rise of private entities — today there are more new-age factory towns — the world's most rapidly spreading urban form. There are also, now, more migrants than ever in history, nearly 300 million, with a sizeable proportion potentially never returning "home."

Herein, Human right and Social justice need to encapsulate the essence of the future, we should aspire to understand the future so that our colloquy won't just be about an idealistic past or the challenging present. Let's attempt to measure mindset from physical and virtual connectivity of building new and more stable loyalties to a "world that is more geodesic than geographical.

<b>Topic 1</b>	Human Rights Social Justice, (definitions of terms).
<b>Topic 2</b>	Technology & Human Rights
<b>Topic 3</b>	Critical Human Rights Thoughts in 3Ds's
<b>Topic 4</b>	Making Human Rights Relevant in Global Governance
<b>Topic 5</b>	Social Justice & the blur between Traditions and Domestic Boundaries.
<b>Topic 6</b>	Human Rights and Mindshare Matrix.
<b>Topic 7</b>	Guest Speaker.
<b>Topic 8</b>	Countries vs. Companies; what is the Role of Human Rights?
<b>Topic 9</b>	Cities, Communities & Commonwealths; how relevant in Critical human thoughts?
<b>Topic 10</b>	Digital Tribes and Vertical Nations in the Age of Technology.
<b>Topic 11</b>	"Alternative World" and Social Justice.
<b>Topic 12</b>	Immigration, Capital Accumulation and Universal Human Rights.
<b>Topic 13</b>	Can We Take a Stand? Virtual Connectivity, Building New and More Stable Loyalties.

### Teaching method

Students are required to be in class, read required books, journals, and other course materials and write a 3-5 page paper at the end of the course.

Students will also write a paper (1-2 pages) in areas of interest to them, students identify topic(s) during the second class.

The class motto is: *Participation, critical reflection and advancing justice.*

### Textbook and materials

All reading should be done before start of class:

- Costas Douzinas, The End of Human Rights: Critical Legal Thoughts at the Turn of the Century (Read Chapters 1, 3 & 14) Link: [here](#).
- Publication of Human Rights Watch 2017: Will technology transform the human rights movement? Link [here](#):
- Giovanni Ziccardi, Resistance, Liberation Technology and Human Rights in the Digital Age, 2012 (Pages 1-22; 125-134; and 309-315) Link: [here](#).
- Parag Khanna, Connectography: Mapping the Future of Global Civilization, 2016, Random House NY Link: [here](#)

*Additional reading may be handed out during the class time*

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### Assessment

**Final:** The final mark for the Exam of Legal Traditions and Comparative Law is the average of the grades obtained in the three Modules: it will be determined on the date of the final exam. Two dates will be scheduled in the winter Exam Session for the Final (see programme website: Exams page).

You will be able to keep the results of midterms and one or more modules only within the same exam session, otherwise the whole exam will have to be redone in another session.

**First Module:** A written/oral pre-exam will take place after the end of the classes. Students who don't pass the pre-exam will take the exam at the moment of the Final.

**Second Module:** A mid-term Exam on the topics covered in class; Final Oral Exam to be held in the date of the Final exam.

Students who won't pass or take the mid-term exam will take the whole exam at the moment of the Final.

**Third Module:** Students are required to attend and participate class, read required books, journals, and other course materials and write a 3-5-page paper at the end of this course. Grade Breakdown: Class Participation (20%); Class Presentation (20%); Weekly Reading Responses (20%); Final essay (40%).

**Non-attending students:** attendance and active participation to the classes is strongly requested in this course. In case of non-attending students, we advise to contact Professor Buratti (see Office hours) for a better understanding of the assessment methods.

**Office hours**

- Prof. Papa receives students on appointment ([massimo.papa@uniroma2.it](mailto:massimo.papa@uniroma2.it))
- Prof. Buratti receives students at the Department of Law, on Wednesday, 10 a.m., or on appointment in the School of Economics ([burattiandrea@hotmail.com](mailto:burattiandrea@hotmail.com))
- Prof. Ibrahim receives students after classes. Mailto: [hauwana@yahoo.com](mailto:hauwana@yahoo.com)