



Academic Year 2025-2026

Syllabus

Legal Traditions and Comparative Law

CFU 12

Riccardo Cardilli, Stefano Porcelli, Alessandro Francescangeli

Course Description

The course provides an introduction to the study of law in the global scenario. Through a historical and comparative approach, the course deals with the (i) legal systems and legal families, (ii) the Roman foundations of legal institutions, (iii) the fundamental concepts of law and their historical development, (iv) the private and public law fundamental institutions in the World, (v) the Chinese legal tradition, (vi) constitutionalism in the framework of the Nation State and the constitutional framework of contemporary democratic political systems, (vii) the development of the European legal space.

The course is divided into two modules:

- **1st Module**, *Harmonization of Law, Roman Foundation of Private Law*, Prof. Riccardo Cardilli (6 CFU) and *Introduction to Chinese Law* Prof. Stefano Porcelli – 2 CFU
- **2nd Module**, *Foundations of Public Law*
Dott. Alessandro Francescangeli – 4 CFU

1st Module

Harmonization of Law, Roman Foundation of Private Law,
(Prof. Riccardo Cardilli and Prof. Stefano Porcelli)

A 6 CFU module is on Legal Systems, Legal Traditions and Harmonization of Law. The first part aims to make clear the differences between Legal Systems and Legal Order, National Law, International Law and Supranational Law, National Power, International Power and Supranational Power, Fundamental Ideas as Equality, Liberty, Democracy and Republic. It also analyses the role of Roman Law in the legal History as a fundamental value of the legal tradition in the West and in the East. The second part aims to deep fundamental legal categories as: Persons and Family, Contract and Obligation, Property and their historical development, Heritage and Succession.

A 2 CFU module on Chinese Law will be provided. This module aims to provide an introduction to Chinese law and its history. It is thus intended to bring the student closer to the law of the People's Republic of China by stimulating a critical thinking in order to read through the ideological knots of Chinese law by taking into account the dialogue with the European legal tradition. The module aims to offer students an introductory framework of the history of Chinese law and its encounter with the civilian tradition based on Roman law, up to the elaboration of the Civil Code of the Peoples' Republic of China (2021) by showing how some elements of the 'legal grammar' outlined by the Roman jurists are interpreted in the light of the Chinese culture.

Topic 1	Legal Families, Legal systems, Legal Areas and Legal Traditions in the World
Topic 2	Law and Globalization: Historical Universal Models vs. Nation State-Law
Topic 3	Harmonization of Law, Roman Law and Modern Legal Systems
Topic 4	Liberty and Democracy of Ancients vs. Liberty and Democracy of Moderns
Topic 5	Community Values vs. Legal Individualism: Towards a New Paradigm of Legal Thinking
Topic 6	The Law of Persons, Things, Property, Successions, Contract and Obligations
Topic 7	Chinese Law: a) Traditional Chinese law; b) First modernization: Chinese law in the nineteenth and twentieth centuries before the Maoist revolution; c) Maoist period and juridical nihilism; d) Second modernization: 1978-2018 China's way to social transition using the law; e) 2021: the new Civil Code of the People's Republic of China f) Specific topics agreed upon with the students during the lectures

Teaching Method

Lectures and analyses of materials.

Textbook and Materials

- Pdf materials distributed during the lectures.
- R. Cardilli, *Roman Foundation of Legal Tradition*, Turin, 2025.

2nd Module Foundations of Public Law (Dott. Alessandro Francescangeli)

The course analyses specific elements of Western constitutionalism, highlighting their practical application in the Italian Constitution and in the experience of the European Union.

Topic 1	Concept of the State and legal system. Sources of law in Western legal systems; criteria for resolving conflicts of norms (antinomies).
Topic 2	Constitution and constitutionalism as legal norms and political doctrines.
Topic 3	Constitutional review of legislation: models and comparative experiences.
Topic 4	The historical development of Western constitutionalism: from the age of revolutions to democratic and social constitutionalism in the 20th century.
Topic 5	The Italian Constitution as a case study in constitutionalism: in-depth analysis: a) Constitutional history b) The basic principles of the constitution c) Form of government d) Rights and duties in the Italian Constitution e) The judiciary and the Constitutional court f) Institutional pluralism: regions and political parties
Topic 6	The European Union: sources of law, institutional framework, and relationship with national constitutionalism.

Teaching Method

Lectures and analyses of materials.

Textbook and Materials

- D. Tega, G. Repetto, G. Piccirilli, S. Ninatti, *Italian constitutional law in the European context*, Cedam-Wolters Kluwer, 2023. Selected parts.
- A. Buratti, *Western Constitutionalism: History, Institutions, Comparative Law*, 3rd Edition, Giappichelli-Springer, 2024. Selected parts.
- Compulsory reading materials distributed during the lectures.

Important information:

- Prof. Buratti's book will also be used as **textbook in subsequent years**.
 - Prof. Buratti's book is available at a **special student price** (26 €) on the publisher's website ([Giappichelli](#)), using the discount code "BURATTI26".
 - Students **enrolled in previous years** (when Prof. Buratti taught the *Comparative Constitutional Law* module) can decide whether to take the exam based on the old or new syllabus.
 - The reading materials will be made **available to all students** (whether attending or not).
 - The **selected parts** are to be confirmed at the start of classes.
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Assessment

First Module: A written mid-term Exam on Topics 1, 2, 3, 4 and 5 of the Syllabus will take place. A Final oral exam will take place, embracing Topic 6 of the Syllabus.

For Chinese Law ...

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

Second Module: A final written and oral Exam will be held in the date of the Final exam, the same for attending and not attending students.

Final: The final mark for the Exam of Legal Traditions and Comparative Law is the average of the grades obtained in the two Modules: it will be determined on the date of the final exam. For the dates of the Final Exam, see programme website: Exams page.

Students who pass only one out of the two modules within the first 2 dates of the Winter session, can complete the exam in Fall (September) session.

PLEASE TAKE CLEAR NOTE: THIS IS THE ONLY GLOBAL GOVERNANCE EXAM WHERE YOU WILL BE ALLOWED NOT TO NECESSARILY PASS ALL THE DIFFERENT PARTS OF THE EXAM IN THE SAME (FIRST OR SECOND) EXAM SESSION.

Grades obtained remain valid or can be rejected, in which case the module exam will have to be retaken in full. The grades obtained in the modules are not valid beyond the Fall (September) Session.

Non-attending students

Attendance and active participation to the classes is strongly expected in this course. Students who do not attend at least 80% of the classes will be considered as non-attending.

Erasmus Students

Erasmus students are welcome in this course. As in all the Global Governance programme courses, Erasmus students are requested to contact the secretariat for the registration to the course. Please take note that dates for early Final-exams won't be considered.

NOTE: If you are an Erasmus or a non Global Governance student who would like to attend one or more courses in the Global Governance programme, please be aware that, **before enrolling in the course**, you should have read the code of conduct and the procedural rules characterizing our programme. We assume that, if you enroll in the course, **you have read and accepted all Global**

Governance values and rules. Notice that attendance is expected from the very first lesson and you need to attend at least 80% of the course to be considered an attending student.

Description of the methods and criteria for testing learning

The examination assesses the student's overall preparation, ability to integrate the knowledge of the different parts of the program, consequentiality of reasoning, analytical ability and clarity of presentation, in accordance with the Dublin descriptors (1. knowledge and understanding; 2. applying knowledge and understanding; 3. making judgements; 4. learning skills; 5. communication skills).

The examination will be graded according to the following criteria:

Unsuitable: important deficiencies and/or inaccuracies in the knowledge and understanding of the topics; the topics are exposed in an incoherent manner and with inappropriate language.

18-20: barely sufficient knowledge and understanding of most of the topics, with some missing items; sufficient capacity for analysis; the topics are sometimes exposed in an inconsistent manner and with inappropriate/technical language;

21-23: basic knowledge and understanding of most of the topics; ability to analyze and synthesize correctly with sufficiently coherent logical argumentation, with possibly some inaccuracy in the technical language.

24-26: good knowledge and understanding of most of the topics; good analytical and synthetic skills with rigorously expressed arguments, though with possibly a few inaccuracies in the technical language.

27-29: complete knowledge and understanding of the topics; good capacity for analysis and synthesis. Arguments presented in a rigorous manner and with appropriate/technical language, with only minor inaccuracies.

30-30L: very good level of knowledge and thorough understanding of topics. Excellent analytical and synthetic skills and independent judgement. Arguments expressed in an original manner and in appropriate technical language.

Teachers' Office Hours

- Prof. Cardilli receives students on appointment (cardilli@uniroma2.it)
 - Dott. Francescangeli receives students on appointment (alessandro.francescangeli@uniroma2.it)
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