



Universitat de Lleida

DEGREE CURRICULUM  
**COMPARATIVE INTRODUCTION  
TO LEGAL SYSTEMS**

Coordination: Dra. Carolina Villacampa Estiarte

Academic year 2015-16

## Subject's general information

<b>Subject name</b>	Comparative Introduction to Legal Systems
<b>Code</b>	101805
<b>Semester</b>	2do. Q Evaluación Continuada
<b>Typology</b>	Obligatorio
<b>ECTS credits</b>	6
<b>Groups</b>	1 GG, 4 GM
<b>Theoretical credits</b>	0
<b>Practical credits</b>	0
<b>Coordination</b>	Dra. Carolina Villacampa Estiarte
<b>Department</b>	Derecho Privado y Derecho Público
<b>Teaching load distribution between lectures and independent student work</b>	(40%) 60h presenciales (60%) 90h trabajo autónomo
<b>Modality</b>	Presencial
<b>Important information on data processing</b>	Consult <a href="#">this link</a> for more information.
<b>Language</b>	Inglés
<b>Degree</b>	Degree in Law
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## Subject's extra information

Attend all classroom, theoretical and practical sessions.

The course introduces students to the concept and functions of comparative law as a tool for understanding the multiplicity of the world's legal systems and the distinctive elements that allow grouping national systems into legal families. It provides an overview of different forms, institutions and procedures that can be used in laws to regulate society. The different branches of our legal system provide information about its relationship with a certain legal family. The education that the students will receive will give them a very useful overview for understanding legal problems and the different responses and methods that law offers for solving them.

## Learning objectives

### Objetivos

#### Lessons 1-5

- Understand what English for Specific Purposes (ESP) is and what does it exist for (CEU1, CEU3, CES9)
- Students learn to deal with materials in legal English (CEU1, CEU3, CES9)
- Students learn to produce texts in Legal English (CEU1, CEU3, CES9)

#### Lessons 5-8

- Express rationally the concept of comparative law (CES4)
- State the aims of comparative law (CES4)
- Identify the main methods of comparative law (CES1, CES2)
- Describe the main developments in the history of comparative law (CES1, CES2)
- Identify legal transplants (CES8)
- Characterize the main features of each legal family under study (CES 1, CES2, CES3, CES4, CES7)
- Match legal materials with their legal families (CES5)
- Analyze critically the political initiatives (CES3, CES6)
- Identify the scholars that have fostered harmonization within the European Union and know the main traits of the European legal texts (CES1)

#### Lessons 9-11

- Identify the functioning principles of Criminal law in countries with common law (CES1, CES2, CES 3, CES4)
- Understand the concept of crime, the principles of liability and the defences in these systems (CES1, CES2, CES3)
- Comprehend the main features of British criminal Law (CES1, CES2, CES4)
- Identify the main features of the north American Criminal Law (CES1, CES2, CES4)
- Understand the general concepts of comparative law, international criminal law and transnational criminal law (CES1, CES2)
- Identify the functioning principles of Criminal law in the different legal traditions (CES3, CES6, CES7) Find out what is common and what is different in different legal rules (CES3, CES4, CES6)
- Know the main arguments concerning the valuation of the cultural differences involved in the criminal motivation (CES3, CES6)

## Objectives related with the assessment system

- Test (CB2, CES1, CES2)
- Oral Presentation (CB3, CEU1, CEU3)
- Essay (CB1, CES7, CES8, CEU1, CEU3)

## Competences

### University of Lleida strategic competences

- Correctness in oral and written language.

#### Goals

- Understand what English for Specific Purposes (ESP) is and what does it exist for. Students learn to deal with materials in legal English. Students learn to produce texts in Legal English.

- Master a foreign language.

#### Goals

- Understand what English for Specific Purposes (ESP) is and what does it exist for. Students learn to deal with materials in legal English. Students learn to produce texts in Legal English.
- written legal
- Oral presentation

### Degree-specific competences

- Show knowledge of the present legal system

#### Goals

- Identify the main methods of comparative law. Describe the main developments in the history of comparative law. Characterize the main features of each legal family under study. Identify the functioning principles of Criminal law in countries with common law. Understand the concept of crime, the principles of liability and the defenses in these systems. Comprehend the main features of British criminal Law. Identify the main features of the north American Criminal Law. Understand the general concepts of comparative law, international criminal law and transnational criminal law. Objectius relacionats amb les activitats d'avaluació: Test.

- Ability to form a reasoned legal decision

#### Goals

- Characterize the main features of each legal family under study
- Identify the functioning principles of Criminal law in the different legal traditions
- Written legal

- Ability to perceive and assimilate the unitary nature of the legal system and its necessary transdisciplinary vision

## Goals

- Express rationally the concept of comparative law. State the aims of comparative law. Characterize the main features of each legal family under study.
  - Identify the functioning principles of Criminal law in countries with common law. Comprehend the main features of British criminal Law. Identify the main features of the north American Criminal Law. Find out what is common and what is different in different legal rules.
- 
- Ability to identify and interpret the sources of existing law

## Goals

- Match legal materials with their legal families
- 
- Ability to assess upon the possible answers to a legal problem, in various contexts, and design strategies which lead to different solutions

## Goals

- Identify legal transplants
  - Written legal
- 
- Ability to redact legal documents of a different nature

## Goals

- Understand what English for Specific Purposes (ESP) is and what does it exist for. Students learn to deal with materials in legal English. Students learn to produce texts in Legal English.
- 
- Acquisition of a critical awareness in the analysis of the legal system and in the development of a judicial dialectic

## Goals

- Analyze critically the political initiatives
  - Identify the functioning principles of Criminal law in the different legal traditions
  - Find out what is common and what is different in different legal rules
  - Know the main arguments concerning the valuation of the cultural differences involved in the criminal motivation
- 
- Show knowledge of the characteristics, conceptual schedules, institutions and procedures of the judicial system

## Goals

- Identify the main methods of comparative law. Describe the main developments in the history of comparative law. Characterize the main features of each legal family under study. - Identify the scholars that have fostered harmonization within the European Union and know the main traits of the European legal texts. Identify the functioning principles of Criminal law in countries with common law. Understand the concept of crime, the principles of liability and the defenses in these systems. Comprehend the main features of British criminal Law. Identify the main features of the north American Criminal Law. Understand the general concepts of comparative law, international criminal

law and transnational criminal law. Identify the functioning principles of Criminal law in the different legal traditions. Test.

- Ability to identify social interests and associated values in the judicial principles and rules

## Goals

- Characterize the main features of each legal family under study
- Analyze critically the political initiatives
- Identify the functioning principles of Criminal law in countries with common law
- Understand the concept of crime, the principles of liability and the defenses in these systems
- Identify the functioning principles of Criminal law in the different legal traditions
- Find out what is common and what is different in different legal rules
- Know the main arguments concerning the valuation of the cultural differences involved in the criminal motivation

## Degree-transversal competences

- Ability to adequately manage information (Instrumental ability)

## Goals

- Test

- Ability to work in a team (Interaction ability)

## Goals

- Oral presentation

- Ability to pursue permanent autonomous learning and adapt to the new circumstances (Systemic ability)

- Ability to analyse and synthesize (Instrumental ability)

## Goals

- Written legal

- Correctness in oral and written technical language

## Goals

- Written legal
- Oral Presentation

## Subject contents

### **1.-Introduction to English for Specific Purposes (ESP).**

1.1 What is it? Why does it exist?

1.2 Main features of English for Specific Purposes

1.3 Main goals aimed at by means of English for Specific Purposes.

1.4 Legal English as English for Specific Purposes.

1.5 Contexts in which Legal English is used

1.6 Main features of Legal English.

## **2.- Legal English: Understanding I**

2.1 The so called “terms of art” or jargon

2.2 Verbs, nouns and conjunctions

2.3 The importance of “collocations”.

## **3.- Legal English: Instruments.**

3.1 Some tools that can help to construe and produce legal texts: dictionaries, databases, parallel texts, etc.

3.2 How to use them correctly.

## **4.- Legal English: Understanding II**

4.1 Some legislation (international and national frames).

4.2 Some judgements.

4.3 Other materials.

## **5.- Legal English: Production.**

5.1 Translation of legal texts.

5.2 Writing skills.

## **6.- Fundamentals of comparative law**

6.1 A concept of comparative law.

6.2 Aims of comparative law.

6.3 Methods of comparative law.

6.4 History of comparative law.

6.5 Legal transplants.

## **7.- Legal families of the world**

7.1 The Romanistic Legal Family.

7.2 The common law.

7.3 The Germanic Legal Family.

7.4 The Scandinavian Legal Family.

7.5 Mixed systems.

7.6 Asian and African Systems of Law.

7.7 Religion-based Systems of Law.

## 8.- Europeanisation of law

8.1 Harmonization of Private Law in the European Union: The Political Initiatives.

8.2 Scholar Impulse to the Process of Harmonization.

8.3 The Principles of European Contract Law.

8.4 The Common Frame of Reference.

## 9.- Comparative Criminal Law I

9.1 Comparative Criminal Law: general concepts. International criminal Law and transnational Criminal Law.

9.2 Legal traditions and Penal Systems: a comparative approach; comparative penology.

9.3 How different legal systems solve the same problems.

9.4 Culture, migration and crime. Cultural excuses.

## 10.-Comparative Criminal Law II

10.1 Anglo-saxon countries: the penal system and the common law.

10.2 Crime: definition and elements in countries with common law.

10.3 Principles of liability and defenses.

10.4 British criminal Law: The criminal Justice Act 2003 and The Serious Crime Act 2007.

10.5 Criminal Law in the United States of America: criminal law and federalism.

10.6 Title 18 of US Code (crimes and criminal procedure). Penal Codes of the States.

## 11.- Harmonization of Criminal Law in the European Union and International Criminal Court

## Methodology

Semana	Contenidos - Clase Magistral (Lunes)	Actividades en Grupo Mediano	Número de horas de trabajo autónomo asociado a la actividad
Semana 1 Febrero, 10	Presentación de la Materia	Presentación del método de trabajo en los GM	3 horas (repaso teoría) y 5 horas (preparación sesión GM)



# COMPARATIVE LAW 2015-16

Semana	Contenidos - Clase Magistral (Lunes)	Actividades en Grupo Mediano	Número de horas de trabajo autónomo asociado a la actividad
Semana 2 Febrero, 17	1	Presentación Oral	3 horas (repaso teoría) y 5 horas (preparación sesión GM)
Semana 3 Febrero, 24	2 y 3	Presentación Oral	3 horas (repaso teoría y preparación sesión GM)
Semana 4 Marzo, 03	4 y 5	Presentación Oral	3 horas (repaso teoría y preparación sesión GM)
Semana 5 Marzo, 10	6.1.- 6.5	Presentación Oral	3 horas (repaso teoría) y 5 horas (preparación sesión GM)
Semana 6 Marzo, 17	7.1.- 7.2	Presentación Oral	3 horas (repaso teoría) y 5 horas (preparación sesión GM)
Semana 7 Marzo, 24	7.3.-7.4	Presentación Oral	3 horas (repaso teoría) y 5 horas (preparación sesión GM)
Semana 8 Marzo, 31	8.1 -8.4	Presentación Oral	3 horas (repaso teoría) y 5 horas (preparación sesión GM)
Semana 9 Abril, 07	Test 1		
Semana 10 Abril, 14	Semana Santa		
Semana 11 Abril, 21	Lunes de Pascua		
Semana 12 Abril, 28	9	Presentación Oral	3 horas (repaso teoría) y 5 horas (preparación sesión GM)
Semana 12 Mayo, 05	9	Presentación Oral	3 horas (repaso teoría) y 5 horas (preparación sesión GM)
Semana 13 Mayo, 12	10	Presentación Oral	3 horas (repaso teoría) y 5 horas (preparación sesión GM)
Semana 14 Mayo, 19	10	Presentación Oral	3 horas (repaso teoría) y 5 horas (preparación sesión GM)
Semana 15 Mayo, 28	11	Presentación Oral	3 horas (repaso teoría) y 5 horas (preparación sesión GM)
Semana 16 Junio, 02	11	Presentación Oral	3 horas (repaso teoría) y 5 horas (preparación sesión GM)
Semana 17 Junio, 09	Tutorías		
Semana 18 Junio, 18	TEST 2		

Semana	Contenidos - Clase Magistral (Lunes)	Actividades en Grupo Mediano	Número de horas de trabajo autónomo asociado a la actividad
Semana 19 Junio, 23	Revisión de Examen		

## Evaluation

Objetivos	Actividades de Evaluación	Ponderación
Evaluar comprensión de los conocimientos teóricos (Lecciones 6-8)	Test 1	25 %
Evaluar comprensión los conocimientos teóricos (Lecciones 9-11)	Test 2	25 %
<ol style="list-style-type: none"> <li>Trabajar la expresión oral y las herramientas para presentar y ordenar un discurso en público.</li> <li>Trabajar con textos en lengua inglesa relativos a otras culturas y sistemas jurídicos</li> <li>Saber gestionar la información y sintetizarla por escrito</li> <li>Análisis de la información trabajada</li> </ol>	Presentación Oral (civil): <ul style="list-style-type: none"> <li>Se hará por equipos</li> <li>Duración 15 minutos.</li> <li>Se presentará el mismo día el trabajo por escrito al profesor</li> </ul>	25 %
<ol style="list-style-type: none"> <li>Trabajar la expresión oral y las herramientas para presentar y ordenar un discurso en público.</li> <li>Trabajar con textos en lengua inglesa relativos a otras culturas y sistemas jurídicos</li> <li>Saber gestionar la información y sintetizarla por escrito</li> <li>Análisis de la información trabajada</li> </ol>	Presentación Oral (penal): <ul style="list-style-type: none"> <li>Se hará por equipos</li> <li>Duración 15 minutos.</li> <li>Se presentará el mismo día el trabajo por escrito al profesor</li> </ul>	25 %
<ul style="list-style-type: none"> <li>No habrá recuperación para ninguna de las pruebas propuestas.</li> <li>La nota final será el resultado de la suma de las calificaciones obtenidas para cada prueba.</li> <li>El alumno que no siga como mínimo dos de las pruebas propuestas durante el curso se le considerará como NO PRESENTADO.</li> <li>Evaluación Final Única: En caso que un/a estudiante/a acredite documentalmente su imposibilidad para poder cumplir algunos de los requisitos establecidos para la evaluación continuada podrá optar por la realización de una prueba única (en dos partes) de validación de competencias y conocimientos que se realizará en las semanas señaladas a estos efectos en el calendario de evaluación del Grado (Semanas 09 y 18). Esta prueba consistirá en un test y en 4 preguntas breves de desarrollo. La opción, con acreditación documental, se podrá realizar la primera semana de clase. Una vez hecha, no se podrá variar.</li> </ul>		

## Bibliography

### Recommended bibliography

#### Lesson 1

- Tom HUTCHINSON, English for specific purposes: a learning-centred approach, Cambridge: University Press, 1987.
- María del Pilar GARCÍA MAYO, English for specific purposes: discourse analysis and course design, Bilbao, Servicio Editorial. Universidad del País Vasco, 2000.

- María Angeles ORTS LLOPIS, "El sistema legal inglés y su hermenéutica: la importancia del lenguaje en el derecho anglosajón", in LFE: Revista de Lenguas para Fines Específicos, núm. 7-8, 2000-2001, pp.259-280.
- Amy KROIS-LINDNER and MATT FIRTH, Introduction to International Legal English, Cambridge, Cambridge University Press, 2008.

## Lessons 2 and 3

- Teresa ALEJOS JUEZ, English for law: an introduction to legal English, Madrid, Editorial Centro de Estudios Ramón Areces, 2004.
- Vanessa SIMS, English Law and Terminology: a guide for practitioners and students, Baden-Baden, Nomos, 2006.
- Enrique ALCARZVARÓ, El inglés jurídico (1994), Madrid, Ariel Derecho, 2002.
- Diana YANKOVA, "The text and context of EU directives: implications for translators", in Ibérica: Revista de Lenguas para Fines Específicos, núm.16, 2008, pp. 129-146.

## Lessons 4 and 5

- Robert J. MARTINEAU, Drafting Legislation and Rules in Plain English, St. Paul, West/Wadsworth, 1991.
- Bryan A. GARNER, Legal Writing in Plain English: A Text with Exercises, University of Chicago Press, 2001.
- Anabel BORJA ALBI, El texto jurídico inglés y su traducción al español, Barcelona, Ariel Lenguas Modernas, 2000.

## Lesson 6

- K. Zweigert, H.Kötz, Introduction to comparative Law (Oxford, 1998), pp. 13-27, and 28-50.
- P. de Cruz, Comparative Law in a Changing World (3rd. Ed, London & New York, 2007), pp.1-31.
- A. Watson. Legal transplants : An Approach to Comparative Law (University of Georgia, 1993).

## Lesson 7

- R. Zimmermann, "Characteristic aspects of German legal culture", in J. Zekoll, M. Reimann, W.Ebke (ed.), Introduction to German Law (Kluwer Law International, 2006), pp.1-52.
- J. Cartwright, Contract Law (Oxford & Portland, 2007), pp. 3-44.
- V.V. Palmer, "Introduction and comparative overview", in id. (ed.), Mixed Jurisdictions Worldwide (Cambridge, 2001), pp. 3-66.
- P. de Cruz, Comparative Law in a Changing World (3rd. Ed, London & New York, 2007), pp.184-218.

## Lesson 8

- O. Lando, "The Rules of European Contract Law" available at: <http://www.cisg.law.pace.edu/cisg/biblio/lando2.html>.
- R. Zimmermann, "The Present State of European Private Law", American Journal of Comparative Law, 2009, pp. 479-512. C von Bar, "Coverage and Structure of the Academic Common Frame of Reference", European Review of Contract Law, 2007, pp. 350-361.
- A. Vaquer, "Farewell to Windscheid? Legal Concepts Present and Absent from the Draft Common Frame of Reference", European Review of Private Law, 2009.

## Lesson 9

- PAKES, F., "Comparative Criminal Justice", Willan 2004.
- NATARAJAN, M., "Introduction to International Criminal Law". McGraw-Hill 2005.
- CAVADINO /DIGNAN, "Penal Systems. A comparative approach", Sage 2006.
- KAPLAN, S.M., English/Spanish – Legal Dictionary, Kluwer Law, 2008.
- American Journal of Comparative Law.
- Comparative Law Blog: <http://www.comparativelawblog.blogspot.com/>.
- Electronic Journal of Comparative Law. Free access.
- JuriGlobe: World Legal Systems. Research Group University Ottawa: <http://www.juriglobe.ca/eng/sys-juri/class-poli/droit-civil.php>
- Max Planck Institute for Comparative Public Law and International Law.
- Oxford University Comparative Law Forum: <http://ouclf.iuscomp.org/articles/index.shtml>.

## Lesson 10

- Ashworth, A., Principles of Criminal law, (4th edition, Oxford/New York, 2003), pp.1-23, 58-96.
- Smith/Hogan, Criminal Law (12th edition, Oxford/New York, 2008).
- Criminal Justice Act 2003.
- Serious Crime Act 2007.
- U.S. Code (18 Title).