Introduction to Comparative Private Law

Language of Instruction: English
Professors: Carlos Gómez Ligüerre
Professor’s contact email and office hours: carlos.gomez@upf.edu
Course Contact Hours: 44
Recommended Credit: 6 UPF credits-5 ECTS credits
Course Prerequisites: There are no prerequisites for this course.
Course Language Requirements: There are no language requirements.

Course Description

The course will introduce students to the main legal systems of the world, their historical origins and their relevant features. The reading assignments and the classroom discussions will illustrate different methods of legal thinking, which have promoted distinctive legal institutions for solving the problems that, in fact, are equivalent. The course seeks to analyze how different legal traditions have solved the problems related to the core topics of private law. A basic introduction to contracts, property, torts and family relations will be followed by a comparison of different legal approaches to these core topics.

In addition, the course will focus on the current trends of the harmonization process among different legal systems, indispensable in the globalized business world, as well as the evolution and interaction of different legal traditions.

Learning Objectives

The course will be structured in two different parts. The first part will introduce students to the different legal traditions from a comparative perspective. The second part of this course will focus on the study of some central institutions in the Private Law, dealing with the differences among the legal traditions analyzed in the first part of the course.

Course Workload

The students are required to read a selection of texts and participate actively in the class. Each class session, two-three students will briefly present to the class a summary on the day reading, commenting on the main points of it.

Students will have to prepare a final exam and will also conduct a research paper project on one of the topics covered by the course.

Methods of Instruction
The course is structured in both lecture and on-site classes. Lecture classes will be conducted by the professor but students are expected to participate in a short class discussion on the readings assigned for each session or group of sessions.

**Method of Assessment**

Final exam: 50% (comprehensive)  
Class participation: 10%  
Term paper (and paper draft): 40%  

- Attendance to class is mandatory and will be monitored by professors. Missing classes will impact on the student’s grade as it follows:

<table>
<thead>
<tr>
<th>Absences</th>
<th>Impact on Final Grade</th>
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<tbody>
<tr>
<td>2</td>
<td>No penalization</td>
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<tr>
<td>3</td>
<td>-1 point out of final grade (on /10 scale)</td>
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<tr>
<td>4</td>
<td>-2 points out of final grade (on a /10 scale)</td>
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<tr>
<td>5 or more</td>
<td>The student receives an INCOMPLETE for the course.</td>
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- The UPF Study Abroad program attendance policy does not distinguish between justified or unjustified absences. The student is responsible to manage his/her absences around the two non-penalizing ones.  
- Emergency situations (hospitalization, family emergency…) will be analyzed on a case by case basis by the Academic Director of the Program.

**Classroom Norms:**

- No food or drink is permitted in the classrooms.  
- Students will have a ten-minute break during each hour session.

**Weekly Schedule**

**PART I**  
Comparative Legal Traditions

**WEEK 1**  
Introduction to the Comparative Study of Law

Reading Assignments:
WEEK 2
The main legal families in the world: their geographical distribution and the causes of their differences.

Reading assignments:

WEEK 3
History, Culture and Distribution of the Civil Law

Reading Assignments:

WEEK 4
The Common Law Tradition

Reading Assignments:

WEEK 5
Reconciling Legal Traditions

Reading Assignments:

WEEK 6
The literature on legal origins.

Reading assignments:
- Andrei Schleifer, E. Glaeser, R. LaPorta, and F. Lopez-de-Silanes, "Do Institutions Cause Growth?", Journal of Economic Growth, September, 2004
WEEK 7
Contracts: formation, performance and breach of contract forma a comparative perspective.

Reading assignments:

WEEK 8
Property Law: a comparative overview

Reading assignments:

WEEK 9
Torts and damages

Reading assignments:

WEEK 10
Family Law

Reading assignments:

WEEK 11
The Judiciary and Its Structure

Reading assignments:

Last revision: May 2010

REQUIRED READINGS:
Course reading pack prepared by the professor and scheduled on a session basis.

RECOMMENDED READINGS:


