



IDENTIFYING DATA

Contemporary legal systems: continental law & anglo-saxon law

Subject	Contemporary legal systems: continental law & anglo-saxon law			
Code	003G081V01922			
Study programme	Degree in Law			
Descriptors	ECTS Credits	Choose	Year	Quadmester
	6	Optional	4th	1st
Teaching language	Galician			
Department				
Coordinator	Bravo Bosch, María José			
Lecturers	Bravo Bosch, María José			
E-mail	bravobosch@gmail.com			
Web				
General description	(*)Esta materia ten por obxecto o estudo das peculiaridades do dereito angloamericano			

Competencies

Code	
A1	Students will have shown they have sufficient knowledge and understanding of an area of study, starting after completion of general secondary education, and normally reaching a level of proficiency that, being mostly based on advanced textbooks, will also include familiarity with some cutting-edge developments within the relevant field of study.
A2	Students will be able to apply their knowledge and skills in their professional practice or vocation and they will show they have the required expertise through the construction and discussion of arguments and the resolution of problems within the relevant area of study.
A3	Students will be able to gather and interpret relevant data (normally within their field of study) that will allow them to have a reflection-based considered opinion on important issues of social, scientific and ethical nature.
A4	Students will be able to present information, ideas, problems and solutions both to specialist and non-specialist audiences.
A5	Students will acquire the learning skills that are required to pursue further studies with a high degree of independence.
B1	To know the function of the Law as a regulating system of social relations.
B2	To know the different manifestations of the Law in their historical development and in their present-day incarnations.
B4	To be able to identify juridical problems and to suggest solutions from an interdisciplinary perspective.
C79	CEI 32 □ To know the differences between the two great contemporary juridical systems: The European Roman-Canonical system and Common Law.
D2	Use of foreign languages in activities from different courses.
D3	Ability to make decisions independently, leadership skills, ability to do co-operative teamwork, interpersonal skills that are helpful in professional and social situations.
D4	Ability to behave ethically and with social responsibility as a citizen and as a professional, respecting diversity and multiculturalism.

Learning outcomes

Expected results from this subject	Training and Learning Results			
The aim is to carry out a comparative analysis between the most important legal systems prevailing in the current world: the Anglo-Saxon and the continental to which Spain belongs - with a special impact on the Common Law, both English and North American, in an effort to know comparatively the difference between the two great legal systems that exist today.	A1	B1	C79	D2
	A2	B2		D3
	A3	B4		D4
	A4			
	A5			

Contents

Topic

I. THE MEDIEVAL LEGAL RENAISSANCE AND THE FORMATION OF A EUROPEAN COMMON LAW (XII TO XV CENTURIES).	Unit 1.- CULTURAL AND POLITICAL ASSUMPTIONS OF THE MEDIEVAL LEGAL RENAISSANCE. 1.- Significance of the phenomenon in the European legal culture. 2.- Elements that shape the political-cultural identity of the Middle Ages. Unit 2.- THE ROMAN CANONICAL LEGAL TRADITION 1.- Scientific assimilation of Roman-Justinian law. 2.- Formation of a system of Roman-canonical common law by the work of jurisprudence. 3.- Dissemination of Roman-canonical common law on the European continent as a cultural phenomenon. Unit 3. THE LEGAL TRADITION OF COMMON LAW AND EQUITY 1.- Judicial configuration of English law. 2.- Incidence of the Roman-canonical legal tradition in the formation of English law.
II. COMPARATIVE LAW.	Unit 4.- HISTORY OF COMPARATIVE LAW. 1.- The XIX century. 2.- The period from 1918 to 1945. 3.- The current era. 4.- Functions of comparative law. 4.1.- Unification of law. 4.2.- International understanding. 4.3.- A better knowledge of national law.
III. LEGAL FAMILIES.	Unit 5.- THE CONCEPT OF LEGAL FAMILY. 1.- Grouping of rights in families. 2. Variable elements and constant elements in Law. 3.- Criterion for classifying rights in families. Unit 6.- THE LEGAL FAMILIES OF THE CONTEMPORARY WORLD. 1.- Romano-Germanic family. 2.- Common Law family. 3.- Common Law and Equity. 3.1.- Fundamental character of the distinction. 3.2.- Equity Applications. 3.3.- Equity since 1875. 4.- Importance of the adjective right. 5.- The legal rule (legal rule).

IV. COMMON LAW FAMILY.

Unit 7.- THE COMMON LAW FAMILY (1): STRUCTURE OF ENGLISH LAW

1.- Originality of the categories and concepts of English law. 2.- Historical explanation of the structure of English law. 3.- Function of the universities. 4.- Common Law and Equity.

Unit 8.- THE COMMON LAW FAMILY (2): SOURCES OF LAW

1.- The Law. 1.1.-The Law a strange element in English law. 1.2. Current importance of the Law. 2.- Custom. 3.-The Jurisprudential precedent. 4.- The legal principles.

Unit 9.- THE COMMON LAW FAMILY (3): ORGANIZATION OF ENGLISH JUSTICE

1.- The ordinary courts. 1.1.- The lower courts. 1.2.-The higher courts. 2.- The remaining jurisdictions. 3.- The Public Ministry. 4.- The professionals. 4.1.- Barristers. 4.2.-Solicitors.

Unit 10.- THE COMMON LAW FAMILY (4): THE ENGLISH CRIMINAL PROCEDURE

1. - General principles. 2. - Classification of crimes. 3.- The penalties. 4.- Special rules of criminal procedure. 4.1.- Initiation of the process. 4.2.- Preliminary view. 4.3.- The quick procedure. 5.- Trials by jury. 5.1.- The jury. 5.2.- The oral hearing. The opening speech. 5.3.- The tests. 5.4.- The final speech. 5.5.- The sentence.

Unit 11.- THE COMMON LAW FAMILY (5): THE ENGLISH CIVIL PROCEDURE.

1.- General principles. 2.- The demand. 3.- The interlocutory phase. 4.- The oral hearing. 5.- Judgments and rulings: The doctrine of the preceding. 6.- The execution of the sentences. 7.- The appeal.

Unit 12: THE COMMON LAW FAMILY (6): SOME TYPICAL COMMON LAW INSTITUTIONS.

1.-Real rights. 1.1.- The right of property: land as an object of property. 1.2.- Legal and equity rights over real estate. 1.3.- The ownership of personal property. (Chattels). 1.4.- Disposal of the property. 2.- Administrations (trusts). 2.1.- Rules for the administration of trusts. 2.2.- Safeguards of the trusts. 3.- Torts.

Unit 13. -THE COMMON LAW IN THE US OF AMERICA.

1.- The law in the United States of America. 1.1.- Historical differentiation factors. 1.2.- Structure of Law in the United States. 1.3.- Sources of Law.

Planning

	Class hours	Hours outside the classroom	Total hours
Lecturing	33	58	91
Autonomous problem solving	17.5	39.5	57
Essay questions exam	1	0	1
Laboratory practice	1	0	1

*The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

Methodologies

	Description
Lecturing	In each class the teacher will present a lesson from the program. The most problematic issues will be clarified, in order to facilitate student learning.
Autonomous problem solving	Once a minimum level of knowledge of the subject has been acquired, real practical cases of COMMON LAW will be solved, and sentences from both the English and the North American legal systems will be analyzed.

Personalized assistance

Methodologies	Description
Lecturing	Every question raised will be answered at every precise moment.
Autonomous problem solving	Each student will be personally attended to with any questions that may arise in solving the practical cases raised.

Assessment						
	Description	Qualification	Training and Learning Results			
Essay questions exam	Students will answer in writing a exercise on the subject developed throughout the course, which will contain two or more long-term questions, on the most important contemporary legal systems. Learning outcome: comparative knowledge of the difference between the two great legal systems that currently exist, the Anglo-Saxon and the continental, to which Spain belongs - with a special incident in the * Common Law.	50	A1 A2 A4 A5	B1 B2	C79	D2 D3 D4
Laboratory practice	Evaluation of the intensive study of certain topics. Discussion, participation and preparation of documents and conclusions on the * Common Law legal system. Learning outcome: comparative knowledge of the difference between the two great legal systems that currently exist, the Anglo-Saxon and the continental to which Spain belongs - with a special incident in the * Common Law.	50	A2 A3	B4	C79	D3

Other comments on the Evaluation

Sources of information

Basic Bibliography

CUNADO DE CASTRO, F., GÁMEZ GONZÁLEZ, R., **Introducción al Common Law**, 2017, Thomson Reuters- Aranzadi, 2017

Complementary Bibliography

ALISTE SANTOS, TOMÁS J., **Sistema de Common Law**, 2013, Editorial Ratio Legis, 2013

Recommendations

Subjects that it is recommended to have taken before

European Union Law/O03G081V01304

Contingency plan

Description

ADAPTATION OF THE METHODOLOGIES ===

The teaching methodology is maintained: theoretical classes, resolution of practical cases and exposition of some contemporary legal system with direct participation of the students will be given, with the difference that they can also be followed on the remote campus.

The tutorials will be done on the remote campus by the teacher, in his virtual office, previously communicated by the student via email.

=== ADAPTATION OF THE EVALUATION ===

The final test is modified, which ceases to be written and face-to-face, and it becomes ONLINE and ORAL. It will consist of answering two or three questions, which can be related to concepts, differences, practical cases, that is, understanding and knowledge of the subject, and not just memorizing.

* Necessary tests.

Contemporary legal system exhibition: it will be compulsory, online, instead of face-to-face as it would be without exceptional circumstances.