



## IDENTIFYING DATA

### Contemporary legal systems: continental law & anglo-saxon law

|                     |                                                                                                                                                                                                                                                                                                     |          |      |            |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------|------------|
| Subject             | Contemporary legal systems: continental law & anglo-saxon law                                                                                                                                                                                                                                       |          |      |            |
| Code                | O03G730V01919                                                                                                                                                                                                                                                                                       |          |      |            |
| Study programme     | PCEO Grado en Administración y Dirección de Empresas/Grado en Derecho                                                                                                                                                                                                                               |          |      |            |
| Descriptors         | ECTS Credits                                                                                                                                                                                                                                                                                        | Choose   | Year | Quadmester |
|                     | 6                                                                                                                                                                                                                                                                                                   | Optional | 5th  | 1st        |
| Teaching language   | Spanish<br>Galician                                                                                                                                                                                                                                                                                 |          |      |            |
| Department          |                                                                                                                                                                                                                                                                                                     |          |      |            |
| Coordinator         | Bravo Bosch, María José                                                                                                                                                                                                                                                                             |          |      |            |
| Lecturers           | Bravo Bosch, María José                                                                                                                                                                                                                                                                             |          |      |            |
| E-mail              | bravobosch@gmail.com                                                                                                                                                                                                                                                                                |          |      |            |
| Web                 | <a href="http://bravobosch.es/author/vigrafik/">http://bravobosch.es/author/vigrafik/</a>                                                                                                                                                                                                           |          |      |            |
| General description | The purpose of this subject is the study of the peculiarities of Anglo-American law.<br>English Friendly Subject: International students may request from the teachers. a) materials and bibliographic references in English, b) tutoring sessions in English, c) exams and assessments in English. |          |      |            |

## Training and Learning Results

|      |                                                                                                                                                                                                                                                                                                                                                             |  |  |  |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| 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 autonomously and independently, leadership skills, ability to do co-operative team work, 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.                                                                                                                                                                                                                   |  |  |  |

## Expected results from this subject

|                                    |                               |
|------------------------------------|-------------------------------|
| Expected results from this subject | Training and Learning Results |
|------------------------------------|-------------------------------|

|     |    |    |     |    |
|-----|----|----|-----|----|
| New | 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). | <p>Unit 1.- CULTURAL AND POLITICAL ASSUMPTIONS OF THE MEDIEVAL LEGAL RENAISSANCE.</p> <p>1.- Significance of the phenomenon in the European legal culture. 2.- Elements that shape the political-cultural identity of the Middle Ages.</p> <p>Unit 2.- THE ROMAN CANONICAL LEGAL TRADITION</p> <p>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.</p> <p>Unit 3. THE LEGAL TRADITION OF COMMON LAW AND EQUITY</p> <p>1.- Judicial configuration of English law. 2.- Incidence of the Roman-canonical legal tradition in the formation of English law.</p> |
| II. COMPARATIVE LAW.                                                                                | <p>Unit 4.- HISTORY OF COMPARATIVE LAW.</p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| III. LEGAL FAMILIES.                                                                                | <p>Unit 5.- THE CONCEPT OF LEGAL FAMILY.</p> <p>1.- Grouping of rights in families. 2. Variable elements and constant elements in Law. 3.- Criterion for classifying rights in families.</p> <p>Unit 6.- THE LEGAL FAMILIES OF THE CONTEMPORARY WORLD.</p> <p>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).</p>                                                                                                                                                                                                                             |

#### 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          | 56                          | 89          |
| Autonomous problem solving      | 16          | 35                          | 51          |
| Presentation                    | 4           | 0                           | 4           |
| Essay questions exam            | 4           | 0                           | 4           |
| Problem and/or exercise solving | 2           | 0                           | 2           |

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

| Assessment                      |                                                                                                                                                                                                              |               |                               |                |     |                |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------------------|----------------|-----|----------------|
|                                 | Description                                                                                                                                                                                                  | Qualification | Training and Learning Results |                |     |                |
| Presentation                    | Presentation of a legal system, at the student's choice according to the established schedule to prepare the presentation. 40%.<br><br>Essay Questions exam. 40%.<br><br>Problem and exercises solving. 20%. | 40            | A1<br>A2<br>A3<br>A4          | B1<br>B4       | C79 | D2<br>D4       |
| Essay questions exam            | (*)Exame de perguntas de desenvolvimento.                                                                                                                                                                    | 40            | A1<br>A2<br>A3<br>A4<br>A5    | B1<br>B2<br>B4 | C79 | D2<br>D3<br>D4 |
| Problem and/or exercise solving | (*)Resolución de supuestos prácticos                                                                                                                                                                         | 20            | A1<br>A2<br>A3<br>A4<br>A5    | B1<br>B2<br>B4 | C79 | D2<br>D3<br>D4 |

#### Other comments on the Evaluation

1. EVALUATION CRITERIA FOR ATTENDEES 1st EDITION OF MINUTES: 60% attendance at classes with discussion, participation and preparation of documents, practical cases, conclusions on Common Law, and oral presentation of a contemporary legal system; 40% written exam, with two or three development questions and a practical case on the subject contained in the program.

2. EVALUATION CRITERIA FOR NON ATTENDEES 1st EDITION OF MINUTES: 100% result of final written exam. It will contain two or three development questions, and a practical case on the matter contained in the program.

Evaluated competences: CB1, CB2, CB3, CB4, CB5, CG1, CG2, CG4, CE79, CT2, CT3, CT4.

Learning result: comparative knowledge of the difference between the two major legal systems that exist today, the Anglo-Saxon and the continental, to which Spain belongs- with special incidence on \* Common Law, both English and North American.

3. EVALUATION CRITERIA FOR 2ND EDITION OF MINUTES AND FINAL DEGREE: 100% final written exam result.

The final written exam will contain two or three development questions, and a practical case on the subject that we have seen throughout the course.

Evaluated competences: CB1, CB2, CB3, CB4, CB5, CG1, CG2, CG4, CE79, CT2, CT3, CT4.

Learning result: comparative knowledge of the difference between the two major legal systems that exist today, the Anglo-Saxon and the continental, to which Spain belongs- with special incidence on \* Common Law, both English and North American.

The dates, times and place of the evaluation tests of the different calls will be those indicated in the calendar of evaluation tests approved by the Faculty Board for the 2022-2023 academic year and corresponding documentation.

The qualifications will be published in the internal platform or official virtual classroom of the University of Vigo with limited access to the teaching staff of the subject and to the enrolled students.

If it is necessary, for exceptional reasons, to modify or specify the evaluation methods indicated in the guide, such modifications or clarifications will be published in the same online format.

The link to the email or web page will be indicated on the first day of class by the new teacher resulting from the contract.

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**Sources of information**

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**Basic Bibliography**

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

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**Complementary Bibliography**

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

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**Recommendations**

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**Subjects that it is recommended to have taken before**

European Union Law/O03G081V01304

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