UNIVERSITÀ DEGLI STUDI DI PALERMO

DIPARTIMENTO	Culture e società
ANNO ACCADEMICO OFFERTA	2018/2019
ANNO ACCADEMICO EROGAZIONE	2019/2020
CORSO DILAUREA MAGISTRALE	COOPERAZIONE E SVILUPPO
INSEGNAMENTO	LEGAL TRADITIONS OF THE WORLD
TIPO DI ATTIVITA'	B
AMBITO	50605-discipline giuridiche
CODICE INSEGNAMENTO	18484
SETTORI SCIENTIFICO-DISCIPLINARI	IUS/21
DOCENTE RESPONSABILE	PERA ALESSANDRA Professore Ordinario Univ. di PALERMO
ALTRI DOCENTI	
CFU	6
NUMERO DI ORE RISERVATE ALLO STUDIO PERSONALE	110
NUMERO DI ORE RISERVATE ALLA DIDATTICA ASSISTITA	40
PROPEDEUTICITA'	
MUTUAZIONI	
ANNO DI CORSO	2
PERIODO DELLE LEZIONI	2° semestre
MODALITA' DI FREQUENZA	Facoltativa
TIPO DI VALUTAZIONE	Voto in trentesimi
ORARIO DI RICEVIMENTO DEGLI STUDENTI	**PERA ALESSANDRA** Lunedì 9:00 11:00 IN PRESENZA: stanza-studio della Docente, presso il Dipartimento di Scienze Politiche e delle Relazioni Internazionali, Via Maqueda 324, piano II.A DISTANZA: su teams o su skype previo appuntamento concordato via email

DOCENTE: Prof.ssa ALESSANDRA PERA

PREREQUISITI	Fundaments of modern and contemporary history, fundaments of philosophy, english, fundaments of comparative methodology and comparative law. For those students who have not attended a course of comparative law in the previous years, one or more of the preliminary readings indicated below are suggested.
RISULTATI DI APPRENDIMENTO ATTESI	Students will acquire and improve knowledge, comprehension on specific themes of the subject matter and will be able to answer to questions such as: How should we think about the general relation amongst laws and lawyers, somehow recognized as different? How do we agree upon the role of whatever we currently understand as law? How do we avoid both dominance and resistance to dominance, and the violence both may entail? How are separate traditions identified? What manner of analysis can be adopted which is appropriate to a number od traditions, yet not exclusive to any of them? Ia a theory of tradition possible? Can one even know a tradition which is not one's own? The answers to those questions will be collected throughout the lessons, the class reading and the personal opinion of students, coming out from the class debate on various issues. Students will acquire the capacity to apply the knowledge and comprehension collected throughout the case studies; to present in oral and written and to self-evaluate their performances in practices lessons and in the "on going written test" (prova in itinere).
VALUTAZIONE DELL'APPRENDIMENTO	ONGOING WRITTEN TEST: divided into 4 or 6 open questions and/or a short essay; It aims at determining the possession of all the provided skills, capacity and expertise. Clear, defined and uniquely interpretable questions will allow both the autonomous formulation of the answer by the student and the comparability of the works by the teacher, in accordance with predetermined criteria for correction and the fact that this is not a test for comparative evaluation in the strict sense . The vote will be expressed in thirtieths according to the criteria pointed out below also for the oral examination. FINAL ORAL EXAMINATION: The candidate must answer at least two/three questions posed orally, on all parts covered by the program, with reference to the recommended texts. Final assessment aims to evaluate whether the student has knowledge and understanding of the topics, has acquired jurisdiction to interpret and independent judgment. EVALUATION METHODS The result of the test will be considered: EXCELLENT (30-30 laude) if the student will show excellent knowledge of the topics, excellent property of language, good analytical capacity, and the ability to apply the knowledge to solve the problems submitted; VERY GOOD (26-29) if the student shows good mastery of the subject, full property of language and the ability to apply the knowledge to solve the problems submitted; GOOD (24-25) if the student will show to have basic knowledge of the main topics, fairly good property of language, limited ability to independently apply the knowledge for the solution of the problems submitted; MORE THAT SUFFICIENT (23-20) if the student will show not to have full mastery of the main arguments but a good understanding of the same, satisfactory property of language, lack of ability to independently apply the knowledge acquired; SUFFICIENT (18-19) where the student will show minimum basic knowledge of the main teaching and technical language issues, minimum ability to apply the knowledge acquired; INSUFFICIENT if the student does not have an acceptable knowledge of the contents of the topics covered in the teaching.
OBIETTIVI FORMATIVI	The course aims to acquire knowledge of the notion of tradition in law and to understand different legal traditions of the world; the foundation for a deep understanding of legal tradition from an historical and comparative perspective. In contrast to the positions which emphasize differences and incommensurabilitiy between legal traditions, the course will bring the student to formulate her/his own vision on how law had been, throughout history, the product of a rich dialogue between local and global legal forms. Traditions will be identified, but not in definite form. This also explain the choice of the Author of the text book (H. Patrick Glenn), chosen as primary reference, to use the indefinite article "a" to name each legal tradition. The student will learn that all legal systems are dialogic, dynamic and interactive. So a theory of traditions is contemplated, but not constructed. Learning about tradition is taken to be a process of learning from tradition. Whether this is possible is taken to be a matter of practice.
ORGANIZZAZIONE DELLA DIDATTICA	Frontal teaching, Practice, Class reading and debates, Seminars.
TESTI CONSIGLIATI	The indication of basic readings and studies is merely illustrative. Other texts, even other than those mentioned, which indent and develop the topics of the program of the course, can (and should) be used by students. Where necessary

	and based on the needs of the class, or to fill gaps on the preliminary knowledge, further readings will be suggested during the lessons. Other material-as far as possible distributed during the lessons- will also be used, coming from different legal experiences examined. All the materials distributed during the class will be uploaded on the teacher-course's web page in the teaching material's section. For the course: H. Patrick Glenn, Legal Tradition of the World, Firth Ed., 2014, Oxford University Press. For those students who have not attended a course of comparative law in the previous years, one or more of the preliminary readings indicated below are suggested. In English or French: -P. de Cruz, Comparative Law in a Changing world, Cavendish, London Sydney, 2006; - R. David, C. Jauffret Spinosi, R. David, C. Jauffret Spinosi, Les Grand Systemes de Droit Contemporain, Paris, 1988; - K. Zweigert, H. Kotz, An Introduction to Comparative Law, 3rd edn, trs Tony Weir, 1997. In Italian: - A. Gambaro R. Sacco, Sistemi Giuridici Comparati, Cedam, 2018; - U. Mattei, P. G., Monateri, Introduzione breve al diritto comparato, Padova, Cedam, 1997; - A. Somma, Introduzione al diritto comparato, Roma-Bari, LaTerza, 2014.

PROGRAMMA

ORE	Lezioni
3	A theory of tradition: tradition and time, tradition as information, the changing presence of the past, tradition and corruption.
3	Between traditions: identity, persuasion and survival. Tradition races and states; protecting identity; persuasive authority; creating new and old epistemic communities; commensurability; universalizing, ruling the world trough truth; globalization; the State and the new diasporas.
3	A chthonic legal tradition; the web of beliefs; law's domain, reason's domain, law and the cosmos; change and the natural world; chthonic ways and other ways; chthonic and other identities; the state as middle ground; chthonic topics; chthonic peoples, states and human rights.
3	A talmudic legal tradition; tradition and revelation; the divine law and its application; sources, text and reason's style; the individual in the Talmud; Talmud, the Divine will and change; schools, traditions and movements; Talmud and corruption; Talmudic Law and State Law; Talmudic Law and jewish identity.
3	A civil law tradition; the centrality of the person; sources and institutions; substantive and secular law; roman law and law in Europe; the rationality of the Codes; law's expansion; law's expression; the person and the growth of rights; law as reason's instrument; positive law and positive science; revelations, systems language and interpretation; civil law and comparative law.
3	An islamic legal tradition; a tradition rooted in later revelation; the shari'a: sources; Qadi justice and mufti learning; substantive shari'a; shari'a and kalam, Ijma, the hadith and revelation; islamic texts and islamic reason: the role of ijtihad; the individual in the shari'a; irma and change; schools and schism; subtle change, reopening the door of endeavour; islam and the world; the umma and its protection; the islamic diaspora.
3	A common law tradition: the ethic of adjudication; origins and development; judges and lawyers; the secreted law; formal limit and informal accommodation; communal relations; right reason; changing secreted law; changing fundamentals; procedure; changing thought; common law and states; the practice of multiple law; western law in the world; western law and corruption.
3	A hindu legal tradition; a tradition of distant revelation of vedas, sisters and commentaries; poetic justice; poetic law; Karma, Dharma and the King; tolerating change; time and Brahaman; Sadachara and Schools; change through law; tolerating others; hindu identity; hindu law in India.
3	A confucian legal tradition; a tradition of persuasion; on li and fa; imperialism institutions; li in East Asia; Confucian ways; Confucianization; Li, social harmony and right; Change and the Eternal Empire; East Asian time and space; Confucian corruption; East Asia as centre of the world; East Asian identities; Layered tradition; western law in East Asia, Socialist law in East Asia; rights and confucian tradition.
1	A case study
4	Reconciling legal traditions: sustainable diversity in law; internat tradition vs. lateral traditions; the normatively of tradition; complex traditions; bivalence and multivalence; the ways of diversity.

ORE	Esercitazioni
1	Class reading of scholarly writings defining "legal tradition".
1	Legal transplants and diffusion of law and models. A case
1	A chthonic legal tradition; the web of beliefs; law's domain, reason's domain, law and the cosmos; change and the natural world; chthonic ways and other ways; chthonic and other identities; the state as middle ground; chthonic topics; chthonic peoples, states and human rights.
1	Talmudic examples

ORE	Esercitazioni
1	European identities, protecting identity. A case
1	Class reading of Quranic suras and verses.
1	Class reading of a Court decision to understand "what does it mean judge made law"?
1	Class reading of scholarly writings