

**Comparative Law**  
Duncan McCampbell, Adjunct  
Syllabus  
Fall 2008

**Course Description:**

COMPARATIVE LAW

3 credits

Comparative study of the origins, development, and characteristics of the world's major legal systems, with emphasis on civil law systems.

**Course Goals:**

Comparative Law has three primary goals:

1. Provide a comparative method and context that will facilitate the study of any foreign legal system
2. Provide a basic understanding of the history, philosophy, and structure of the world's most influential legal systems.
3. Broaden a U.S. lawyer's perspective on law.

**Grading:**

Your final grade will be based on a 10-15 page **paper**, written during the semester, on some area of substantive law in a non-common law country **and** a two hour, closed book **exam**. Class participation may also be considered.

**Class Participation and Attendance:**

Regular class attendance will be expected. Students that miss more than three classes risk being removed from the class. Class participation may also be considered.

**Computer Use in Class**

Class sessions are lively and interactive. Students are thus expected to make appropriate use of computing technologies. Accepted uses include note taking, accessing course or reference materials, looking up big words used by the instructor, etc.

**Required Text:**

Schlesinger, et. al., Comparative Law (Sixth ed.)

**TWEN:**

I have created a TWEN site for this class. A number of your assignments (noted below) will be posted on this site. Please sign up for TWEN, being sure to use a current e-mail address, so that I can contact the class. Using TWEN means that you do not have to purchase a supplement.

**Assignments:**

The Assignments for this class will come from the Schlesinger book or be found on the TWEN site. Because of the nature of this class, pacing is a little difficult to determine, but at this point, I plan to cover the following materials in this order.

First Class: Classification of Legal Systems, S-283-322

Chapter I: Introduction, 1-52

Chapter II: Foreign Law in US Courts, 53-172

Chapter III: Common Law v. Civil Law, 174-283

Chapter III: Legal Education in Civil Law Countries, 322-374

Merryman, Legal Education There and Here: A Comparison, TWEN

Kraus, Legal Education in the People's Republic of China, TWEN, 76 Suff.

Transn'l J. 75

Chapter IV: Civil Law Procedure, 375-582

Shavell, Suit Settlement, and Trial: A Theoretical Analysis Under Alternative Methods for the Allocation of Legal Costs, TWEN

Langbein, The German Advantage in Civil Procedure, TWEN, 52 U. Chi. L.Rev. 823

Allen, et. al., The German Advantage in Civil Procedure: A Plea for More Details and Fewer Generalities in Comparative Scholarship, TWEN, 82 Northwestern U. L. Rev. 705

Langbein, Trashing the German Advantage, TWEN, 82 Northwestern U. L. Rev. 763

The S.S. Lotus, TWEN, 1927 P.C.I.J., Ser. A. No. 10

Attorney General of Israel v. Eichman, TWEN, 36 Int'l L. Rep. 277

Roe v. Wade, TWEN

French Abortion Decision, TWEN

German Abortion Decision, TWEN

Damaska, Structures of Authority and Comparative Criminal Procedure

Gerald Walpin, AMERICA'S ADVERSARIAL AND JURY SYSTEMS: MORE LIKELY TO DO JUSTICE, 26 Harv. J.L. & Pub. Pol'y 175