

<b>Module Title</b>	<b>COMPARATIVE LAW</b>	<b>Date of Approval</b>
<b>Module Code</b>	<b>6LA519</b>	<b>Pre-requisite None</b>
<b>Module Level</b>	<b>6</b>	
<b>Credit value</b>	<b>20</b>	
<b>Total Number of Learning Hours</b>	<b>200</b>	
<b>Key Words</b>	Comparative Method, Division of Legal Systems into Families, Law Harmonisation, Comparative Constitutional Law, Comparative Contract Law, Comparative Family Law, Conflict of Laws	
<b>Module Delivery Mode</b>	Face to face	

### **Module Description**

Comparative law now stands at the heart of any meaningful enquiry into law. This is a subject that is seen as strategic in the discipline of law. There is not a single area of law which is not affected by it nowadays. As such this module aims to provide the student with a significant opportunity to explore, amongst other things, the nature of the comparative method, its functions, its significance, the division of the world's legal systems into families, the idea of law harmonisation, and the comparison of contract, constitutional and family laws from different jurisdictions. The module will enable the student to describe and comment upon particular aspects of current research, or equivalent advanced scholarship in the subject of comparative law. The range of issues embraced in the subject includes comprehensive methodological analysis in a number of substantive areas of law. The delivery of the module will connect also to other subjects of legal epistemology eg legal theory and legal sociology in that it will not only examine the division of legal families of systems but will also demonstrate the jurisprudential and socio-historical reasons for such a division. Accordingly, the module takes a multidisciplinary approach. The module enhances the employability of the students: by encouraging students to appreciate and examine domestic law and structures, whilst allowing them to become familiar with foreign legal material; by providing students following the module with the intellectual tools to work beyond the domestic legal system; by enhancing as a whole the comparative-analytical proficiency of the student body. The assessment strategy of the module involves a research paper in the form of an essay. Individual essay topics are agreed between the students and the module leader.

### **Module Learning Outcomes**

On successful completion of the module, students will be able to:

- Appreciate the value of comparative method and critically evaluate a range of comparative approaches to law

## Module Content

- Introduction to Comparative Law
- The Multiplicity of Sources in the Study of Comparative Law
- The Comparative Method
- Legal Families
- Comparative Law in Lawmaking, Judgments and Academia
- Judicial Styles, Legal Reasoning and Interpretation
- Law Convergence
- Comparative Constitutional Law
- Comparative Contract Law
- Comparative Family Law
- Conflicts of Laws

## Module Learning and Teaching Methods

The module is delivered by twelve two and a half hours lectures per week, supported by a programme of six one hour seminars which would normally take place fortnightly. Seminar reading will be as *per* the published reading lists for each section of the module, requiring students to explore appropriate sources to ensure effective seminar preparation. Exploration of domestic and legal material taking the form of comparative enquiry will be at the heart of seminar work.

<b>Scheduled learning and teaching activities:</b>	<b>18%</b>
<b>Guided independent study:</b>	<b>82%</b>
<b>Placement/study abroad:</b>	<b>0%</b>

## Module Assessment Method Coursework/Examination100%

The module is assessed by a piece of summative coursework in the form of a research paper, the topic of which is approved by the module leader. Elements of formative assessment are a constituent element in the approval process of the research paper topics.

## Reading list

### Key Texts

- K Zweigert and H Kötz, *An Introduction to Comparative Law* (Tony Weir tr, 3<sup>rd</sup> revised edn, Clarendon Press 1998).
- P De Cruz, *Comparative Law in a Changing World* (3<sup>rd</sup> edn, Cavendish 2007).
- B Markesinis & J Fedtke, *Engaging with Foreign Law* (Hart Publishing 2009).

### Essential Texts

- B Markesinis, *The Gradual Convergence* (Clarendon Press 1994).
- E Örücü, *The Enigma of Comparative Law* (Martinus Nijhoff Publishers 2004).
- M Reimann and R Zimmermann (eds), *The Oxford Handbook of Comparative Law* (OUP 2006).
- J Gordley and AT Von Mehren, *An Introduction to the Comparative Study of Private Law* (Cambridge University Press 2006).
- R Cotterrell, *Law, Culture and Society: Legal Ideas in the Mirror of Social Theory* (Ashgate 2006).
- R Youngs, *English, French & German Comparative Law* (2<sup>nd</sup> edn, Routledge-Cavendish 2007).
- J Goldsworthy, *Interpreting Constitutions: A Comparative Study* (OUP 2006).
- W Menski, *Comparative Law in a Global Context* (2<sup>nd</sup> edn, Cambridge University Press 2006).
- CMV Clarkson and J Hill, *The Conflict of Laws* (OUP 2006).
- U Mattei, *Comparative Law and Economics* (University of Michigan Press 1998).
- R David and JEC Brierley, *Major Legal Systems in the World Today* (Stevens 1985).
- VV Palmer, *Mixed Jurisdictions Worldwide: The Third Legal Family* (Cambridge University Press 2001).
- J Goldsworthy, *Interpreting Constitutions: A Comparative Study* (OUP 2006).

### **Recommended Texts**

O Kahn-Freund, *Comparative Law as an Academic Subject* (Oxford: Clarendon Press 1965).

MA Pollack, *The Engines of European Integration* (OUP 2003).

H Barnett, *Constitutional & Administrative Law* (7<sup>th</sup> edn, Routledge-Cavendish 2009).

P Stone, *EU Private International Law: Harmonization of Laws* (Edward Elgar 2006).

### **Journals**

ICLQ

LS

EJCL

IJPL

PennStInt'lLRev

FordhamLRev

IndJGlobalLegalStudies

AJCL