COMPARATIVE LAW

Course 5366
Professor Lisa M. Bohmer

3 credits, 10:30am – 12:05pm M,W
lmboehmer@uh.edu
lisabohmer@gmail.com

Room: 213 BLB
Mobile: 281-898-5876

COURSE DESCRIPTION

This course is an introduction to the theory and practice of Comparative Law. The course offers an overview of the traditional comparative legal method, as well as an introduction to extended methods of comparative law. The course also explores the different legal traditions, with a particular emphasis on the distinction between civil law and common law (and the limitations of this distinction). The course further offers an introduction to Global Comparative Law, which aims at comparing legal solutions adopted on a regional, international and transnational level.

This course has three goals: First, it seeks to expose students to a broad overview of the major legal systems of the world. Second, this course aims to provide students with the tools to carry out an efficient comparison between different legal systems. Third, this course invites students to consider the impact of recent developments (including global and regional integration, as well as the emergence of transnational business law) upon the traditional comparative method.

CLASS ORGANIZATION

The class will be held in 23 sessions. This is less than a regular class – which means that every single session will be slightly longer than a regular class (95 minutes, instead of 78 minutes). Students are expected to be in the classroom at 10.30am, and the class will run until 12:05pm.

CLASS MATERIAL


• Supplemental articles: All the supplemental articles can be found in full extent on https://home.heinonline.org. The general link to Heinoline is: http://ezproxy.lib.uh.edu/login?url=https://heinonline.org/HOL/Welcom e?collection=journals. You can click on the hyperlinks included in this syllabus, and log in with your Cougarnet ID and password.

• Useful websites:
http://www.worldlii.org/countries.html (World Legal Information Institute. This offers a collection of freely available full-text databases of primary sources for several countries, and a catalogue of links to lists of resources).


http://www.loc.gov/lawweb/servlet/Glic?home (Global Legal Information Catalog, including information about publications which reprint the laws and regulations of multiple jurisdictions on a particular legal topic).

http://www.juriglobe.ca (Maps of the different legal systems of the world created by the University of Ottawa).

http://common-core.org

• Websites accessible through the library:
  o https://home.heinonline.org contains many articles on comparative law.

GRADING

• 20%: Class preparation and participation

• 80%: Paper

PAPER

The major part of the grading is based on a paper. Students are invited to carry out their own comparative analysis about a topic of their choice throughout the semester. Paper topics should be submitted by class 7 (after we have discussed the major methodological approaches to comparative law studies). The final paper should be submitted by class 20, to allow me to grade the papers and hand them out before the end of the class. We will discuss more details about the paper in class.

CLASS PARTICIPATION

Meaningful classroom participation is strongly encouraged. The assigned reading is reasonable – please do the reading and be prepared to participate in the classroom discussions.

OFFICE HOURS

I will be available after each class to discuss any questions and concerns. You can also send me an email or reach me by phone to make an appointment.
COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS)

CAPS can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let's Talk” program, a drop-in consultation service at convenient locations and hours around campus. See: http://www.uh.edu/caps/outreach/lets_talk.html.

TOPICS COVERED IN CLASS (23 classes)

1. January 14, 2019 – Introduction

Assignment: textbook pp. 1-11


Assignment: textbook pp. 15-29; Indicative structure of a comparative paper (will be distributed in class)


Assignment: textbook pp. 115-144

5. January 30, 2019 – Socio-legal comparative law

Assignment: textbook pp. 147-178

6. February 4, 2019 – Numerical comparative law

Assignment: textbook pp. 180-227
7. February 6, 2019 – Classification of the legal systems – Is it possible?
Assignment: textbook pp. 84-109; submit topics for research paper

8. February 11, 2019 – Civil Law and common law (part 1) – general comparison
Assignment: textbook pp. 50-73

9. February 13, 2019 – Civil Law and common law (part 2) – British and US common law

10. February 18, 2019 – Civil Law and common law (part 3) The civil law tradition

11. February 20, 2019 – Civil Law and common law (part 4) Critical analysis
Assignment: textbook pp. 78-83, Mark Van Hoecke; Mark Warrington, Legal Cultures, Legal Paradigms and Legal Doctrine: Towards a New Model for Comparative Law, 47 Int'l & Comp. L.Q. 495 (1998)

12. February 25, 2019 – The law of Russia

13. February 27, 2019 – The law of China
Assignment: Chen Lei, The Historical Development of the Civil Law
14. March 4, 2019 – Traditional and religious law


15. March 6, 2019 – Globalization, International law, supranational law, global law, transnational law


16. March 18, 2019 – Legal transplants

Assignment: textbook pp. 231-260

17. March 20, 2019 – Convergence of law

Assignment: textbook pp. 262-279

18. March 25, 2019 – Regionalization

Assignment: textbook pp. 280-288

19. March 27, 2019 – Internationalization

Assignment: textbook pp. 289-302

20. April 1, 2019 – Global Law

Assignment: textbook pp. 303-311 and 322-330; papers are due

21. April 3, 2019 – Transnational Law

Assignment: textbook pp. 313-321

22. April 8, 2019 – Comparative Law as an open subject

Assignment: textbook pp. 363-406
23. April 10, 2019 – Review and papers