



## SELF PROGRAM 2021/2022

### Comparative Legal Traditions

Dr Andrew Baldwin

#### Course information

*Number of credits:* 6 credits

*Contact hours:* 30 hours

*Hours taught per week:* 3 hours

*Teaching period:* spring 2022

#### Course description:

This course offers an understanding of the distinctions between the three most influential legal traditions in the modern world: common law, civil law, and Islamic law. Students will learn about the theoretical bases of these traditions, and the kinds of jurisprudence and structures that they have generated in a variety of countries. There will also be an appreciation of what impact the globalisation of law is having within each tradition.

#### Course outline

<i>Class 1</i>	Origins of the main traditions
<i>Class 2</i>	How law is understood and made
<i>Class 3</i>	Private law
<i>Class 4</i>	Criminal law
<i>Class 5</i>	The 'rule of law'
<i>Class 6</i>	Role of the courts
<i>Class 7</i>	Judicial procedures
<i>Class 8</i>	Approximation of the legal traditions
<i>Class 9</i>	Global forms of law

## **Prerequisites**

No previous study of the topic is required, and students of all subject backgrounds are welcome. While this course falls within the discipline of law (and may well be of particular relevance to any students who go on to practise in an area of international law), it will be of use to anyone with an interest in the origins and evolution of modern states, in the underlying philosophy behind legal systems, and in the impact of state structures on human rights.

## **Course objectives**

This course aims at providing students with the following:

- Awareness of the historical origins of the principal legal traditions in the modern world, and of the diversity within those traditions
- Knowledge of the key distinctions in theory, structure and process between these families of legal systems
- Appreciation of ongoing issues across the world's legal traditions, such as the protection of the individual and the impact of international law

## **Assessment**

30% – mid-term in-class test of knowledge comprehension

70% – final in-class (i.e. class 10) extended writing examination

## **Attendance**

In order to participate, students must be present. Nevertheless, a maximum of 2 (two) unexcused absences will be allowed otherwise no mark will be given. An unexcused absence at a test (final test or continuous assessment) means no credits for the course.

## **Bibliography**

H.P. Glenn, *Legal Traditions of the World: Sustainable Diversity in Law* (4<sup>th</sup> edition, Oxford: Oxford University Press, 2010)

H. Kötz & K. Zweigert (tr. T. Weir), *An Introduction to Comparative Law* (3<sup>rd</sup> edition, Oxford: Oxford University Press, 1998)