

# Comparative Law and Public Policy

Fall 2014  
Monday/Wednesday/ 1-2:30  
1230 Weill Hall

Instructor: Valenta Kabo  
Office Hours: Wednesday, 10-12  
4223 Weill Hall

## **Introduction**

This class provides a foundational understanding of comparative law and selected foreign legal systems. The first part of the course is devoted to understanding what comparative law is and providing an understanding of different legal families and systems. In the second part of the course, we discuss ways to approach comparative law, and explore how laws are compared. Both the first and second parts of the lead into the third segment where we explore practical applications of comparative law: can laws be transplanted one from country to another? How can law be used to further development? How are legal systems rebuilt after wars?

## **Learning Objectives**

After completing this course, you should be able to:

1. *demonstrate* the ability to undertake basic foreign legal research
2. *describe* basic features of the major legal families
3. *describe* some features of legal systems within specific countries
4. *describe* a few methods of comparative law
5. *analyze* the law from the perspective of one of the major methods
6. *apply* basic knowledge of comparative law to different policy scenarios

## **Instructional Methods**

In this course, I will use lecture and discussions. Specifically, the first part of the course will be primarily lecture based. In the second and third parts of the course, we will use lectures, discussions and activities to encourage more practical application of the material. For a couple of sessions, during these parts, a shorter version of the lecture will be posted on line, along with a brief assessment. These should be done prior to the start of class. Class time will be devoted to answering questions and working through practical applications of the material.

## **Required Texts**

There are no required texts. All material for the course is posted on the c-tools site.

## **Assignments and Assessments**

### Attendance and Participation

Attendance is required. In addition, the latter part of the course will involve some in-class problem solving and simulations, which will also factor into the attendance and participation grade.

### On-line Discussion

You have the option to participate in an on-line class discussion by responding to a question posted each week, by posting a question, comment or response to a classmate's question or comment each week. The posts must pertain to the readings we are currently discussing in-class. The last time to post for it to be counted for your grade is by midnight the night before the next week's first class meets. The ground rules for this forum are the same as those for in-class discussions. Each week you post, you receive extra credit.

### Quizzes

There will be two cumulative quizzes throughout the course. These quizzes are designed to encourage your memory of material you learn in the course. Each quiz will have ten questions, and ask you questions about the material we have already covered. The quizzes will be taken on-line.

### Simulation Exercise

On December 10, there will be an on-line simulation exercise. In this exercise, you will play the role of a young lawyer or policy advisor working for a major development agency, helping to rebuild a country's legal system after a devastating civil war. In the exercise, you will be required to navigate through a series of hypothetical scenarios designed to test your understanding and application of the knowledge you acquired in the course. Your grade will not depend on the outcome, but rather how you justify the choices you made on the basis of what you learned in the course.

### Paper:

You will be required to complete a paper demonstrating a brief foray into comparative legal research.

- Describe what topic you have chosen, why it is of interest to you, and what specific question(s) about this topic you hope to discover the answers to in your research.
- Briefly describe the important features of the legal system from the countries you have chosen to research
- Locate the laws that answer the question you posed in the first section of the paper, and in an appendix, outline the steps you took to locate the laws (and provide citations!)
- State what the law is in both of the countries that you researched, and how it answers your research question

- Finally, adopt one of the methodological approaches to comparative law we discussed in class (or use one of your own, with prior approval from me), and from the perspective of that methodology, analyze how the different countries/legal systems address your chosen question.

Late papers will not be accepted.

### **Grading:**

Attendance & Participation	20%
On-line Discussion	0% (extra credit)
Quizzes	20%
Simulation exercise	30%
Paper	30%

### **A Note on Plagiarism:**

Don't even think about it. Not only is plagiarism unacceptable from an academic, legal and moral standpoint, but from your perspective, it is absolutely not worth the risk. Should plagiarism be detected, appropriate department and university procedures will be followed. If you do not know what plagiarism is, consider it your first assignment to learn what plagiarism is and to read the University policies for addressing it.

For more information, please see:

<http://www.lib.umich.edu/acadintegrity/students/index.htm>

### **Absences**

Attendance is mandatory. You are allowed one "freebie" for the semester.

If you are of a particular religious persuasion, and you expect to have schedule conflicts, it is your responsibility (and university policy) to notify me. Absence for religious reasons does not excuse you from the work or requirements that may be due or assigned on a given day

### **Miscellaneous Policies:**

#### *Ground rules for discussion*

You may, at times, come to a discussion with very strong opinions about the material. I ask simply that you respect your fellow colleagues. Respect includes not personally attacking others for expressing their opinions and beliefs. Respect also includes not talking while someone else is speaking.

#### *Cell phones*

Please turn your ringers off during class. If your cell phone rings audibly during class (and I hear it), you will be "on call" for the next class. You may be asked to prepare discussion

questions, lead the discussion, to introduce the readings, or you may simply be the person who is called on to field questions most frequently during the next class period.

*Food and Drink*

Food and drink are acceptable as long as they are not distracting. That is, loud and noisy foods are not permissible. Nor should you set up a three course meal on your desk. However other snacking and non-alcoholic drinks are allowed.

*E-mail*

Allow me 24 hours to respond to email. I will permit you the same courtesy. When you send me an e-mail, **please put the course name in the subject heading**. I don't generally open e-mails unless I know from where they are originating. Without the course name in your subject heading, your e-mail may be deleted.

*Changes*

I reserve the right to change the syllabus, should the structure of the class be found to be more or less challenging than it needs to be.

**Course Schedule**

#	Date	Topics	Assignments and assessments
1	September 3	Introduction to Comparative Law Introduction to Foreign Legal Research	
2	September 8	Introduction to Foreign Legal Research	
3	September 10	Roman Law	
4	September 15	Roman Law	
5	September 17	Civil law	
6	September 22	The legal systems of France and Germany	<b>First quiz</b>
7	September 24	Common Law	
8	September 29	The legal systems of the United States and the United Kingdom	
9	October 1	Islamic Law The legal system of Saudi Arabia	

10	October 6	<b>Papers/Meetings</b>	
11	October 8	Customary law The legal systems of Andorra and Vanuatu	
	October 13	<b>No Class- Study Break</b>	
12	October 15	Hindu law and the legal system of India	
13	October 20	Chinese/Confucian Law and the legal system of China	
14	October 22	Socialist law and the legal system of Russia	
15	October 27	Special cases: Mixed legal jurisdictions and the legal systems of Louisiana, Kenya and Japan	<b>Second quiz</b>
16	October 29	Review and Introduction to Comparative Law methodology	
17	November 3	Methodology: Functionalism	
18	November 5	Methodology: Law and Economics	
19	November 10	Methodology: Critical Legal Studies	<b>In class exercise</b>
20	November 12	Methodology: Hermeneutic comparison	
21	November 17	Topics in comparative law: Legal classification  Topics in comparative law: Legal transplants	
22	November 19	Topics in comparative law: Law and development	
23	November 24	Topics in comparative law: Religious based legal systems	
	November 26	<b>No Class</b>	
24	December 1	Topics in comparative law: Integration of	<b>In class exercise</b>

		legal systems	
25	December 3	Topics in comparative law: Law reform	
	December 8	Topics in comparative law: Post-Conflict scenarios	
26	December 10	<b>Simulation Exercise</b>	
	December 16		<b>Research Papers Due</b>