Office: 418 Hazel Hall  Office Hours:  Thurs. 1:00-2:00 pm and by appointment

Required Books
The Civil Law Tradition, John H. Merryman, Rogelio Perez-Perdomo, 2nd ed. (Stanford University Press, 2007)

Comparative Constitutional Law, Vicki C. Jackson, Mark Tushnet, 3rd ed. (Foundation Press, 2014)

Please sign up for TWEN. Additional reading materials will be posted or distributed, others sent through TWEN.

In a world of increasing global interaction it is critical for American lawyers to understand the legal systems of other nations. This course will introduce students to comparative legal methods with an emphasis on comparative constitutional law. We will examine the general features of common and civil law systems, their underlying principles, and the scope of their constitutional protections. The class will focus on British and Canadian common law, French and German civil law, and examine the impact European Union law is having on member states.

By analysis and comparison, students can see not only the transient and coincidental symmetries of the law but also its more enduring character, including its contradictions, its limits, its ambiguities, and its changes. Lawyers trained in this knowledge learn to manage uncertainty and thus become better lawyers, more capable of practicing, adjudicating, and reforming the laws.

George P. Fletcher, Steven Sheppard, American Law in a Global Context

Requirements: Reading is assigned for every class and should be read in advance in preparation for discussion.

Grading will be based on one short paper (5-7 pages) to be presented to the class (15% of grade), a final exam or research paper (70%) and class participation (15%). Each student will write a short paper to present designed to supplement the material for a particular class meeting. The paper should explore an aspect of that day’s subject in greater depth through focusing on a particular country or countries, on further cases, or additional literature. The presentation itself should take approximately ten minutes.
January 7  Different Strokes: The Rule of Law  
Merryman, pp. 1-26  

January 12  What is comparative constitutional law? The Death Penalty Example  
J&T, pp. 173-205

January 14  Civil Law  
Merryman, pp. 27-55

January 19  Civil Law cont.  
Merryman, pp. 61-67, 80-101

January 21  France & the Code Napoleon  
J&T, pp. 547-556  
http://www.napoleon-series.org/research/government/c_code.html  
Select three Titles to examine and report on.  
Merryman, pp. 134-142

January 26  German Civil Law: World War II and Afterward  
J&T, pp. 317-319

January 28  German Basic Law 1949, 1990 and Constitutional Court  
http://www.iuscomp.org/gla/statutes/GG.htm  
J&T, pp. 565-584

February 2  Common Law: English Origins  
Magna Carta (online)  
Sir John Davies, Le Primer Report des Cases et Matters en Ley Resolues et Aduidges en les Courts del Roy en Ireland (1615)  
Sir Edward Coke, Preface, The Second Part of the Reports  
[online, Joyce Malcolm, The Struggle for Sovereignty, vol. 1, pp. 3-9]

February 4  Modern Britain, the Human Rights Act and Supreme Court  
J&T, pp. 409-422

February 9  Separation of Powers: Parliamentary or Presidential?  
Handout: J&T, 2nd ed., pp. 778-820
February 11       Rights and Bills of Rights: The UN
               http://www.un.org/Overview/rights.html
               J&T, pp. 409-427

February 16       Canada: Repatriating the Constitution and a Bill of Rights
               http://nesara.insights2.org/Constitution.html
               J&T, pp. 447-471

February 18       Canada, Freedom of Speech and the Human Rights
               Commissions
               J&T, pp. 1540-1578

February 23        Freedom of Speech and Hate Laws: Germany and
               International Covenants
               J&T, pp. 1653-1667; 1614-1617.

February 25        European Union Law
               Under “Legislation in Force”—Pick two topics and explore

March 1             Federalism and Democracy: European Union
               European Constitution text and outcome, 2005
               http://www.unizar.es/euroconstitucion/Treaties/Treaty_Const.htm
               European “Treaty”, 2008
               aty.cfm

March 3             Federalism: US
               J&T, pp. 955-960
               Fletcher & Sheppard, American Law in Global Context,
               American Law in Global Context, McCulloch v. State of
               Maryland, pp. 150-166

March 15           Federalism: Canada
               J&T, pp. 960-973

March 17           Federalism: German and Swiss Law
               J&T, pp. 998-1020; 1020-1030

March 22           Abortion: United States
               J&T, pp. 2-5, 25-70

March 24           Abortion: Canada and Germany
               J&T, pp. 71-86, 106-125
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<th>Date</th>
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<td>March 29</td>
<td>Emergency Powers: Legislative and Executive</td>
<td>J&amp;T, pp. 839-864</td>
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<td>Espionage Act of 1917; <em>Schenck v. United States</em> (1919)</td>
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<td>April 5</td>
<td>Freedom of Speech, Press and Association in Europe</td>
<td>J&amp;T, 1495-1534</td>
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<td>April 7</td>
<td>Self-Defence: Domestic and International</td>
<td>Stand-your-ground laws in American states</td>
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<td><a href="http://criminal.findlaw.com/criminal-law-basics/states-that-have-stand-your-ground-laws.html">http://criminal.findlaw.com/criminal-law-basics/states-that-have-stand-your-ground-laws.html</a></td>
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<td>Fletcher &amp; Sheppard, <em>American Law in a Global Context</em>, pp. 568- 584</td>
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<td>April 12</td>
<td>Constitutions: Positive or Negative Rights?</td>
<td>J&amp;T, pp. 1777-1795</td>
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<td>April 14</td>
<td>Immigrants—Refugees and Others: US and Europe</td>
<td>TBA</td>
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<td>April 19</td>
<td>All Things Considered</td>
<td>Reading: TBA</td>
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<td>APRIL 25</td>
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<td>FINAL EXAMINATION OR RESEARCH PAPER</td>
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