

Comparative Law Seminar -- Law 439
Antonin Scalia Law School at George Mason University
Spring 2026
Preliminary Version (12/3)

Nuno Garoupa
Professor of Law & Faculty Director of Graduate Studies
Phone: (703) 993 8184
E-mail: ngaroup@gmu.edu
Office: 324

José Luis Sardón
Former Judge of the Constitutional Court of Peru and Former Ambassador to the OAS
Phone: (703) 993 TBA
Email: TBA
Office: TBA

Welcome to Comparative Law

This course offers an introduction to comparative legal systems. The course will survey the method of comparative law as well as the main legal families, in particular civil and common law. It will also look briefly at mixed legal systems. The final part of the course looks at recent developments in comparative law and economics, particularly the controversy over legal and colonial origins.

Student Learning Outcomes

By the end of the semester, you should understand the main differences between civil law and common law legal families. You should also have a sense of where comparative law is going, namely the extent to which there is convergence or divergence across legal systems. Finally, you should be able to identify the impact of comparative law in legal policymaking.

Office Hours: Office hours will be with Professor Garoupa on Thursday, 2.00-3.15pm. Professor Garoupa is usually available for shorter questions immediately after class. (Office hours can be adjusted later in the semester if that time does not prove to be convenient.) Both instructors are generally available via appointment, email, or some other platform such as zoom. Group requests get priority over individual requests.

Email Communication: Students must use their MasonLive email account to receive important University information, including communications related to this class. The

instructors will not respond to messages sent from or send messages to a non-Mason email address.

Casebook and Course Materials: This is a paper-based seminar. All papers as well as supplemental materials will be posted on TWEN.

As background reading and short overview, please read "[A Primer on the Civil Law System](#)" by James G. Apple and Robert P. Deyling,[AD in the reading list]:

Another source recommended as background reading is:

["Comparative Law: A Short Introduction"](#) by Sabrina Ragone and Guido Smorto, [RS in the reading list]:

Paper Presentation: Each class is based on paper discussion. Each paper will be assigned to a discussion leader. The discussion leader is responsible for summarizing the paper at the beginning of the class, and later motivating and moderating the debate.

Class Preparation: You should prepare for class by reading and thinking carefully through the assigned material. You are expected to be prepared for class. The instructors will assume familiarity with the assigned reading. Since we are going to be a small group, discussion will play a very important role. Speaking in front of a small audience should not be a major problem.

Some general guidelines are as follows: (1) you should attend class in a manner consistent with Law School policies, (2) quality of participation is weighed much more heavily than quantity, (3) failure to prepare for class is the easiest way to assure a downward participation adjustment.

Substantial Paper: The primary assignment for this class will be the writing of a substantial term paper that fulfills the Law School writing requirement. You should plan to have your paper topic chosen and approved no later than Week 5 of the semester and you should plan to have an outline of your paper by Week 10. You should choose your paper topic in consultation with the instructors and must receive approval from the instructors for the topic you choose.

The written papers should be typed, double-spaced, with one-inch margins. The final paper must be between 5,000-7,000 words, not including footnotes. Each paper must be your own independent work. The use of chatbots and other sources from artificial intelligence are subject to current Law School regulations.

If you turn your assignment in late, there will be a significant negative effect on your grade. Please email the paper to Professor Garoupa directly by the last day of the semester (April 22, 2026). The instructors prefer that the electronic document be sent in either pdf or Word format.

Please note that, per Law School policy, the instructors cannot grant deadline extensions for final papers; requests must be submitted to the Director of Student Academic Affairs.

Grading: Final course grade is based on the substantial paper (65%) and on leading the discussion in class (35%). It can be adjusted by a single increment either upward or downward (e.g., from B to B+) based on more general class participation.

Syllabus is Preliminary and Subject to Change: The instructors may deviate from the tentative syllabus with assignments taken from current events, new cases, to accommodate guest speakers, scheduling reasons, etc. Please make sure you sign up to receive updates via TWEN.

Intellectual Property: The instructors teaching Comparative Law at Scalia Law own all course content we create (e.g., PPT slides), regardless of form (electronic, print, audio/video, etc.), including recordings of class sessions, office hours, and other meetings. You are forbidden to use them with, or distribute them to, anyone other than your classmates on this course.

Class Recording Prohibited: Pursuant to Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device or camera. Any exceptions to this policy must be expressly permitted in writing by me.

Academic Integrity: It is expected that students will adhere to the Antonin Scalia Law School Honor Code. The Honor Code prohibits lying, cheating, or stealing. This includes a student obligation to never represent the work of another as their own, and to never provide or accept unauthorized assistance on any school-related assignment. The Honor Code is available here: [academic standards](#).

Classroom Accommodations: Disability Services at George Mason University is committed to providing equitable access to learning opportunities for all students by upholding laws that ensure equal treatment of people with disabilities. If you are seeking accommodations for this class, please visit [Disability Services](#) for detailed information about the Disabilities Registration Process. Faculty may not receive or respond to requests for an accommodation. All requests must be handled by the office of Disability Services.

You may contact Disability Services directly via email at ods@gmu.edu or phone at (703) 993-2474. If you have any questions about how in-class or testing accommodations are implemented at the law school, please contact the Assistant Dean, Student Academic Affairs for more information.

General Academic Regulation:

University Life: University Life provides student support resources such as **Counseling and Psychological Services** ([CAPS](#)), **Student Health Services** ([SHS](#)), and the **Student Support and Advocacy Center** ([SSAC](#)). For more information about University Life on the Arlington Campus, please visit: [Mason Square](#)

READING ASSIGNMENTS

I. Introduction to Comparative Law (Jan 15)

Professor Garoupa and Ambassador Sardón

Background:

RS [chapter 1]

Discussion:

Mathias Reimann, The Progress and Failure of Comparative Law in the Second Half of the Twentieth Century, 50 Am. J. Comp. L. 671 (2002).

Jaako Husa, Comparative Law's Pyrrhic Victory?, 30 Maastricht J. Eur. Comp. L. 680 (2023).

II. The Method of Comparative Law (Jan 22)

Professor Garoupa

Background:

RS [chapters 4 & 5]

Discussion:

John C. Reitz, How to Do Comparative Law, 46 Am. J. Comp. L. 617 (1998).

Gerhard Dannemann, Comparative Law: Study of Similarities or Differences?, in OxHCL (2019).

III. Legal Families (Jan 29)

Professor Garoupa

Background:

RS [chapters 2 & 3]

Discussion:

Alan Watson, Legal Culture v Legal Tradition, in Epistemology and Methodology of Comparative Law (2004).

H. Patrick Glenn, Legal Cultures and Legal Traditions, in Epistemology and Methodology of Comparative Law (2004).

Mariana Pargendler, The Rise and Decline of Legal Families, 60 Am J. Comp. L. 1043 (2012).

IV. The Common Law: Overview (Feb 5)

Professor Garoupa

Background:

AD [pp. 33-38]

Discussion:

Peter J. Hamilton, The Civil Law and the Common Law, 36 Harvard L. Rev. 180 (1922).
Lord Goff, Future of the Common Law, 46 I.C.L.Q. 745 (1997).

V. The Civil Law: Overview (Feb 12)

Ambassador Sardón

Background:

AD [pp. 3-32]

Discussion:

Antonin Scalia, Globalization and the Law (paper presented at the conference “Globalization and the Law,” Univ. Peruana de Ciencias Aplicadas (UPC), Lima, Peru, 2007).

Rett R. Ludwikowski, Latin American Hybrid Constitutionalism, 21 B.U. Int’l L.J. 29 (2003).

VI. Convergence of Legal Systems (Feb 19)

Professor Garoupa

Background:

RS [chapter 6 & 7]

Discussion:

Pierre Legrand, European Legal Systems are not Converging, 45 I.C.L.Q. 52 (1996).

Ugo Mattei and Luca G. Pes, Civil Law and Common Law: Toward Convergence?, in OxHLP (2008).

VII. Legal Transplants (Feb 26)

Professor Garoupa

Discussion:

Maximo Langer, From Legal Transplants to Legal Translations: The Globalization of Plea Bargaining and the Americanization Thesis in Criminal Procedure, 45 Harv. Int’l. L. J. 1 (2004).

Toby S. Goldbach, Why Legal Transplants?, 15 Annu. Rev. Law Soc. Sci. 583 (2019).

VIII. Legal Origins (Mar 5)

Professor Garoupa

Discussion:

Anu Bradford et. al., Do Legal Origins Predict Legal Substance?, 64 J. L. Econ. 207 (2021).

Yun-chien Chang et. al., Colonial Experiences and Contemporary Law, 1 J. L. & Emp. Anal. (2024).

(Spring Break)

IX. Application I: Constitutional Law in Latin America (Mar 19)

Ambassador Sardón

Discussion:

Constitutionalism in Latin America, in Andrea Buratti, Western Constitutionalism: History, Institutions, Comparative Law 309–15 (3d ed., Springer Nature Switzerland AG & G. Giappichelli Editore 2024).

X. Application II: Judicial Reasoning in US and Latin America (Mar 26)

Ambassador Sardón

Discussion:

Daniela Urosa, The Role of Constitutional Courts in Illiberal Latin American Democracies (paper presented at the Seminario en Latinoamérica de Teoría Constitucional y Política (SELA), Yale Law Sch. 2022).

XI. Application III: Influence of US Constitutional Law in Latin America (Apr 2)

Ambassador Sardón

Discussion:

Roberto Gargarella, Too Much “Old” in the “New” Latin American Constitutionalism (paper presented at the Seminario en Latinoamérica de Teoría Constitucional y Política (SELA), Yale Law Sch. 2015).

XII. Application IV: Influence of Law and Economics in Legal Reasoning outside of US (Apr 9)

Ambassador Sardón

Discussion:

Rafael La Porta et. al., Economic Consequences of Legal Origins, 46 J. Econ. Lit. 285 (2008).

XIII. Comparative Law and Economics (Apr 16)

Professor Garoupa and Ambassador Sardón

Discussion:

Nuno Garoupa and Thomas S. Ulen, Comparative Law and Economics: Aspirations and Hard Realities, 69 Am. J. Comp. L. 664 (2021).