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COMPARATIVE LAW

REQUIRED TEXT: UGO A.MATTEI, TEEMU RUSKOLA, ANTONIO GIDI, SCHLESINGER'S COMPARATIVE LAW (7th ed., Foundation Press, 2007)

COURSE COVERAGE AND OPPORTUNITIES:

The notion of “comparative law” as a law school subject is controversial. Many skeptics dismiss the course as purely ‘academic,’ unrelated to practice. Others think of comparative law as a pastiche, a convoluted set of impressionistic ideas about the world’s myriad legal orders. Even more charitable scholars refer to comparative law as at most, a *method*, a way of understanding different legal systems. Each of these characterizations is inaccurate. Comparative law and comparative method is routinely deployed in domestic practice, and this course will be as relevant to your future careers as practitioners or scholars, as any other.

In this seminar, we will explore two main aspects of the discipline: (1) comparative law as a method, or more accurately, a collection of different comparative methodologies; (2) “comparative law” as a self-referential scholarly enterprise, or ‘project’ – and how the comparative law project, if there is such a thing, relates to seemingly related ‘projects’ in international legal theory and history.

In this seminar, you will be provided with opportunities to:

1. Enhance your historical understanding of your home jurisdiction –our so-called Common Law system;
2. Learn the foundation of other major legal orders (Civil Law, Islamic Law, post-Socialist Law);
3. Develop an appreciation for *method* (how to approach the study of different legal systems or cultures) and *theory* (what drives legal change across time, for instance, the notion of legal transplants);
4. Enhance your oral communication skills and legal analysis skills via class discussion and the preparation of a seminar paper.

COURSE METHODOLOGY:

We will utilize several methods of instruction to achieve the objectives of this course. They will include: critical reading of canonical legal texts; use of the “case method” of exploring and examining legal principles in different contexts; use of ‘functionalism’ as a core comparative methodology. Each of these methods is meant to stimulate an active learning process in which it is important for you to engage. Remember, each one of you brings unique experiences and perspectives to this seminar, and the seminar is intended to serve as a space for collaboration and shared learning, as well as critical interrogation.