Comparative Law Syllabus (Fall 2006)
Professor Mitchel Lasser

I. Introduction to the Civil Law

1. Introduction.
   Class ex: Art. 5, French Civil Code. Case #0.

2. Intro: Roman Law, Revolution, Sources, Codes and Judges.

   Class ex: German torts and respondeat superior. BGB 831. Case #2.

4. Intro: Civil and Criminal Procedure, Public Law, Perspectives.
   MERRYMAN 111-150.
   Class ex: French public law doctrine of “excess of power”. Case #3.

II. Civil (private) Law.

5. French Judicial History.
   Class ex: Case #4 (and Academic Case Note)

6. German and French Judicial History.
   DAWSON 400-431.
   Class ex: French Conclusions #5

7. German Civil Procedure.
8. Italian and French Civil Procedure.

Michele Taruffo, “[Italian] Civil Procedure and the Path of a Civil Case.”


10. The French Judicial System, Cont’d.

Lasser 1351-1381.

11. The French Judicial System, Cont’d.

Lasser, 1381-end.

III. Criminal Law.


Fraser, “Comparative Criminal Justice... How the French Do It...,” 78 Calif. L.Rev 539 (1990) 539-67
Class ex: French criminal decision. Case #7.

13 & 14. The German Criminal Trial

LANGBEIN, COMPARATIVE CRIMINAL PROCEDURE: GERMANY (1977) 1-86
[Read in entirety for discussion over 2 classes].

15. Comparative Criminal Law.


IV. Constitutional Law.


Class ex: French abortion decision: Cases #10 (in Glendon readings, with French Declaration of the Rghts of Man and Constitutional Preambles copied as Case #10).** FIX**

18. The German Abortion Decision.

GLENDON, 83-106.


Class ex: Freedom of association Case #11

20. Separation of Powers


V. Comparative Law

21-24. Theorizing the Common Law/ Civil Law Distinction