Concise Introduction to Comparative Law

Prof. Dr. Michael Bogdan
# CONTENTS

*Foreword*  
*Contents*  
*Abbreviations*

## PART 1  
**General Part**

### CHAPTER 1  
**Introduction**

1.1 The Name of the Subject  
1.2 An Attempt to Define the Subject  
1.3 Comparative Law and Studies of Foreign Law  
1.4 Comparative Law – Method or Science?  

### CHAPTER 2  
**The Uses of Comparative Law**

2.1 General Education  
2.2 Obtaining a Better Understanding of One’s Own Legal System  
2.3 Working *de lege ferenda*  
2.4 Harmonization and Unification of Laws  
2.5 Working *de lege lata*  
2.6 Public International Law and EU Law  
2.7 Private International Law and International Penal Law  
2.8 Use for Pedagogical Purposes  
2.9 Other Areas of Use

### CHAPTER 3  
**Some Problems Connected with the Study or Foreign Law**

3.1 General Remarks  
3.2 Availability and Reliability of the Sources of Information  
3.3 Interpretation and Use of Foreign Sources of Law  
3.4 The Foreign Legal System Must be Studied in its Entirety  
3.5 Translation Problems  
3.6 Obsolete and Living Law  
3.7 Social Context and Purpose of the Legal Rules

### CHAPTER 4  
**The Comparison**

4.1 General Remarks  
4.2 The Problem of Comparability  
4.3 Comparability of Laws of Countries with Different Social Systems

### CHAPTER 5  
**Explaining Similarities and Differences between Legal Systems**

5.1 What Needs to be Explained?  
5.2 The Economic System  
5.3 The Political System and Ideology  
5.4 Religion
5.5 History and Geography
5.6 Demographic Factors
5.7 Co-Influence of Other Means of Control
5.8 Accidental and Unknown Factors

CHAPTER 6
Comparative Evaluation of the Compared Solutions

CHAPTER 7
Grouping of Legal Systems into Families of Law

CHAPTER 8
The Common Core of Legal Systems and the Presumption of Similarity

PART II
The Most Important Legal Systems

CHAPTER 9
English Law
9.1 Introduction
9.2 Common Law
9.3 Equity
9.4 Interpretation of Precedents
9.5 The Judiciary
9.6 Interpretation of Statutes
9.7 Legal Education and the Legal Profession
9.8 Geographic Spread of English Law

CHAPTER 10
American Law
10.1 Federalism
10.2 Constitutional Litigation
10.3 The Judiciary
10.4 Legal Education and the Legal Profession
10.5 Geographic Spread of American Law

CHAPTER 11
French Law
11.1 Historical Background
11.2 The Napoleon Code
11.3 The Judiciary
11.4 Legal Education and the Legal Profession
11.5 Geographic Spread of French Law

CHAPTER 12
German Law
12.1 Historical Background
12.2 The German Civil Code (BGB)
12.3 The Judiciary
12.4 Legal Education and the Legal Profession
12.5 Geographic Spread of German Law
CONTENTS

CHAPTER 13  Chinese Law
  13.1 Confucianism  161
  13.2 Main Features of Legal Development  162
  13.3 Legal Education and the Legal Profession  165
  13.4 Geographic Spread of Chinese Law  166

CHAPTER 14  Moslem Law
  14.1 Sources of Law  171
  14.2 Legal Method  173
  14.3 Geographic Spread of Moslem Law  176

Bibliography  180
Index  200
Designed to be accessible yet rigorous, they offer concise and lucid surveys of the substantive and policy issues associated with discrete subject areas. Mark Tushnet, a world-renowned scholar of constitutional law, presents an introduction to comparative constitutional law through an analysis of topics at the cutting edge of contemporary scholarship. Start by marking “Concise Introduction to Comparative Law” as Want to Read: Want to Read saving… Want to Read. This book is mainly designed to be used as a textbook for beginners taking introductory courses on foreign and comparative law. The book’s concise format makes it fit for use also in other courses, such as legal history or jurisprudence. It will provide students with a broad view of comparative law as a subject, its function and methodology. Outlines all the major legal systems of the world and details individual areas of law within these systems. It is extremely well written, and skillfully translated from the German by Tony Weir. The second edition of this volume is highly regarded worldwide and was translated into many languages including Italian, Japanese, and Russian. New to this Edition: Includes a chapter on Japanese Law. Contains overview of comparative law as a subject, its function and methodology. "The third edition of "An Introduction to Comparative Law continues to enrich the perspectives of a new generation of readers." - Susan Millins, International and Comparative Law Quarterly Vol. 48 October 1999. Share: Also of Interest.
Constitutional comparisons offer 'hermeneutic' help: they enable us to see 'our' own constitution with different eyes and to locate its structural and normative choices by references to alternatives evident in other constitutional orders. This Cambridge Companion presents readers with a succinct yet wide-ranging companion to a modern comparative constitutional law course, offering a wide-ranging yet concise introduction to the subject. Michael Bogdan. In today's globalized world, jurists cannot limit themselves to studying the laws of their own country. This book is mainly designed to be used as a textbook for beginners taking introductory courses on foreign and comparative law. The book's concise format makes it fit for use also in other courses, such as legal history or jurisprudence. It will provide students with a basic knowledge of US, English, French, German, Chinese, and Islamic law and legal culture. It also discusses the methodological problems that arise in connection with studying, comparing, and working a. Title of a Course Introduction to comparative law.
b. Pre-requisites The course is targeted at first-year undergraduate law students who are expected to have successfully completed the undergraduate courses on foreign legal history and legal theory. d. Abstract This introductory course on comparative law theory is designed especially for undergraduate first-year students who are genuinely interested in studying foreign jurisdictions and legal systems and possess a solid knowledge of English but have an educational background limited only to the very first two modules of the first-year curriculum at the faculty of law. 2. Learning Objectives The course aims at introducing the students the major approaches of 'traditional'.