

730-332 Comparative Law

Credit Points:	12.50
Level:	4 (Undergraduate)
Dates & Locations:	This subject is not offered in 2009.
Time Commitment:	Total Time Commitment: Not available
Prerequisites:	Contracts, Torts, Property , Trusts, Legal Method and Reasoning, Obligations.
Corequisites:	None
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	<p><p>For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.</p> <p>It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: http://services.unimelb.edu.au/disability</p></p>
Subject Overview:	<p>This course will have four main components. First, there will be a consideration of the goals, purposes and methodology of comparative legal research, including consideration of current issues. Secondly, there will be a broad overview of major legal traditions of the world (chthonic, civil law, common law, Talmudic, Islamic, Asian, Hindu). Thirdly, there will be a more detailed analysis and comparison of the origins and sources of the two major Western legal traditions, the Anglo-American common law and the continental European civil, or Roman, law tradition. Finally, the course will consider some substantive law topics (property, obligations) from a comparative perspective.</p>
Objectives:	<p>On successful completion of this subject, students should be able to:</p> <ul style="list-style-type: none"> • Recognise the underlying, and usually unquestioned, assumptions of their own legal system; • Identify the origins and major characteristics of a legal system; • Compare legal concepts and institutions across systems; • Apply certain legal concepts drawn from a non-common law system to a fact based problem .
Assessment:	Three hour open book examination worth 100%. Class participation may also be taken into account with respect to the final grade.
Prescribed Texts:	Schlesinger, et al., Comparative law – Cases – Text – Materials, 6 th ed. (New York: Foundation Press, 1998); Glenn, Legal Traditions of the World, 2 nd ed. (Oxford: Oxford University Press, 2004; note that 3 rd ed. is in preparation). Some supplemental readings will be available online.
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	<p>On completion of the subject students should have developed the following generic skills:</p> <ul style="list-style-type: none"> (i) the ability to identify the origins and major characteristics of a legal system; (ii) the ability to compare legal concepts and institutions across systems; (iii) at a very basic level, the ability to apply certain legal concepts drawn from a non-common law system to a fact based problem.