

**The Government of the Russian Federation
National Research University Higher School of Economics
Faculty of Law**

Course Syllabus: Introduction to Comparative Law

Undergraduate Programme 40.03.1 “Bachelor of Laws”

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1 The scope of the course

This is the syllabus of the introductory course on comparative law theory which states the minimum academic requirements for the students, outlines the content of the topics of the lectures and seminars and sets out the criteria to assess students' knowledge at the interim and final examination.

This syllabus is intended for the instructors of this course and for the students of the Undergraduate Programme 40.03.1 “Bachelor of Laws” who choose this course.

This syllabus is drafted in accordance with the following documents:

- the standard of the National Research University Higher School of Economics for the Undergraduate Programme 40.03.1 “Bachelor of Laws”;
- the curriculum of the National Research University Higher School of Economics for the Undergraduate Programme 40.03.1 “Bachelor of Laws”.

2 Outline

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 to the first two modules of the first-year curriculum at the faculty of law. The course, first, discusses the nature of ‘traditional’ comparative law, its functions, aims, methods and history, then surveys the main features of the major legal families of the world (civil law, common law, non-Western legal traditions in Asia, mixed jurisdictions), then maps the world’s legal systems, and finally, it introduces basic research methods of traditional comparative law (that of R. David or K. Zweigert and H. Kötz) confronting them with extended methods of ‘postmodern’ comparative law (contextualised approach to legal systems and institutes).

3 Core competencies to be developed by students of this course

After completing the course students are expected to be able to:

- define basic concepts of comparative law discipline;
- explain how comparative law can be used to understand different legal systems of the world;
- distinguish and identify key features and institutes of the major legal system (including mixed jurisdictions);
- review and summarize recommended academic papers;
- coherently state and reason one's own theses in English regarding the issues of the course.

4 Prerequisites and the place of this course in the curriculum

'Introduction to Comparative Law' is an elective subject for the first-year students of the Undergraduate Programme 40.03.1 “Bachelor of Laws”.

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.

Students are expected to learn essential legal English vocabulary through study of European and Russian legal history, listening to lectures, engaging in disputes, and preparing final written essay.

The instructor proposes an interactive mode of giving lectures similar to readings in American law schools. Students are expected to read essential literature before attending lectures, they will be asked questions in order to check their comprehension.

From the very beginning of their legal education students are encouraged to make use of the electronic resources of the Higher School of Economics, as many recommended papers are available at Jstor, Ebrary and other data bases.

The knowledge and skills to be acquired by the students of this course should facilitate their mastery of the following subjects during their further education at the faculty of law:



- Civil Law;
- Criminal Law;
- Constitutional Law;
- Contested Issues of Legal Theory;
- History of Foreign Legal and Political Theories;
- "European Idea" in the Past and Present;
- Reception of Roman Law in Western Europe;
- Theory of Islamic Law and State;
- Legal Conflict Resolution Techniques and Mediation.

5 Examination type

Types	Forms of assessment	1 year				Description
		1	2	3	4	
Current (weekly)	Quiz			+		Oral questioning on the topics of the course during each seminar.
Final	Examination			+		Written quiz (testing) during one hour. Sample testing questions see below 5.1.

5.1 Evaluation of knowledge

Example of a question for the final test.

1. Which legal system does not exist in the contemporary world?
- A) Common law;
 - B) Civil law;
 - C) Hybrid legal system;
 - D) Roman law.

6 Scoring

The overall learning outcome will be assessed on the basis of student's activity during seminars ($O_{seminars}$) and the final written test of 20 questions each student is expected to write during the final class of this course (O_{exam}). The testing questions will refer to all topics of the course and will draw primarily, but not exclusively, on the essential readings.

The assessment formula is as follows:

$$O_{final} = 0.5 \cdot O_{exam} + 0.5 \cdot O_{seminars}$$

The final text assessment

Correct answers	Points
16-20	8-10 (excellent)
12-15	6-7 (good)
8-11	4-5 (satisfactory)



less than 8	1-3 (unsatisfactory)
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7 Curriculum by topics

№	Названия раздела и темы	Всего часов	Аудиторные часы			Самостоятельная работа
			Лекции	Семинары	Практические занятия	
1	Part I. Topic 1. What is comparative law.	6	2	2		2
2	Part II. Topic 1. The Anglo-American common law: introductory notes.	7	1	2		4
3	Part II. Topic 2. Key legal institutes of the English common law.	7	1	2		4
4	Part III. Topic 1. The civil law system	8	2	2		4
5	Part III. Topic 2. French law	8	2	2		4
6	Part III. Topic 3. German law.	8	2	2		4
7	Part IV. Mixed Jurisdictions (Hybrid legal systems)	8	2	2		4
8	Part V. Muslim law and Sharia.	8	2	2		4
9	Part VI. Chinese and Japanese legal conceptions.	8	2	2		4
10	Part VII. Global comparative law.	8	2	2		4
11	Итого:	76	18	20		38

Curriculum (by topics)

Part I. The theory and method of comparative law.

Topic 1. What is comparative law.

- The meaning of the term "comparative law":
 - the origin of the term "law", the concept of "law";
 - the meaning of "comparative law" in different legal traditions.
- History of Comparative Law: Antiquity, Middle Ages, Modern Times.
- Current Situation of Comparative Law
- Key Concepts of Comparative Law (the legal system, the legal family).
- Functions of Comparative Law (cognitive, epistemological, descriptive geographical, unification and etc.). The correlation between comparative law and other legal sciences.
- The concept of the methodology of comparative law. Kinds of comparisons: synchronic and diachronic, internal and external, micro and makro comparison, non-judgmental and evaluative.
- The correlation between comparative method and other methods of legal analysis:
 - historical-legal method;
 - formal-logical (textual) method;
 - functional method.
- Sociological methods in comparative legal study.
- Guidelines in comparative legal study.

Essential Readings

1. Siems M. Comparative Law (Law in Context). NY: Cambridge University Press, 2014.
2. Cruz P. de. Comparative law in a changing world. NY: Routledge-Cavendish, 2008.

Supplementary readings

1. Gutteridge H.C. Comparative Law. An Introduction to the Comparative Method of Legal Study and Research. Cambridge, 1946;
2. Reimann M. The Progress and Failure of Comparative Law in the Second Half of the Twentieth Century // American Journal of Comparative Law. 2002. №. 4. Pp. 671-700;
3. Reimann M., Zimmermann R., The Oxford handbook of comparative law. Oxford university press, 2006. Pp. 19-51, 334-460, 725-891.
4. Reitz J. How to Do Comparative Law // The American Journal of Comparative Law. 1998. Vol. 46. №. 4. Pp. 617-636.
5. Samuel G. An Introduction to Comparative Law Theory and Method. Hart Publishing, 2014.
6. Samuel G. Comparative Law and Jurisprudence // International and Comparative Law Quarterly. October 1998. Vol. 47. Pp. 817-836.
7. The Cambridge Companion to Comparative Law. Ed. Mauro Bussani, Ugo Mattei. Cambridge university press, 2012.
8. Zweigert K., Kötz H. Introduction to Comparative Law. Oxford Clarendon Press, 1998.

Academic hours – 4.

Self-study hours – 2.

Part II. The common law family.

Topic 1. The Anglo-American common law: introductory notes.

1. English law. The place and role of the common law in the modern world. The history of the emergence of the common law. Customary law of the Anglo-Saxons. Norman Conquest. The Saxon and Norman systems of land ownership. The influence of the Westminster courts' on the formation of common law. The role of the Court of Chancery: the emergence of equity rule." Edward Coke. " *Commentaries on the Laws of England*. " by William Blackstone. Reform of the XIX and XX centuries.
The principle of Stare decisis. Binding precedent. Ratio decidendi and obiter dictum. "Creative" cases and cases of interpretation. The ratio of the constitutional, statutory, regulatory and case law.
Rule of Law. The doctrine of parliamentary sovereignty. Evolution of the English parliamentary system. Constitutional reform 1998-2009. Reform of the judicial system. Devolution process.
2. Law of the United States of America: a general overview. American constitutional tradition. Case Marbury v. Madison (1803). System of constitutional clauses as fundamental principles of the American system of law. Commerce clause. The system of constitutional cases. Analysis of Plessy v. Ferguson (1896) and the abolition of its Brown v. Board of Education (1954) as an example of a landmark case. Basic schools in constitutional interpretation: Originalist and other schools.
3. Particularities of the legal education and the legal profession in England and the United States.

Essential Readings

1. Cruz P. de. Comparative law in a changing world. NY: Routledge-Cavendish, 2008.
2. Farnsworth A. An introduction to the legal system of the United States. (ed. Steve Sheppard). 4th ed. 2010.
3. Zoller E. Introduction to Public Law: A Comparative Study. Nijhoff Publisher, 2006.

Supplementary readings

1. Baker J. An introduction to English legal history. 4th ed. London, 2005.
2. Bankowsky Z., MacCormick D.N., Marshal G. Precedent in the United Kingdom. In: Interpreting Precedents: A Comparative Legal Study./ed. by MacCormick D.N., Summers R.S. Dartmouth, 1997.
3. Blackstone W. Commentaries on the laws of England. Vol.1. Chicago, 1979.
4. Brand P. The origins of the English legal profession. Cambridge, Mass.: Blackwell, 1992.
5. Cross R., Harris J.W. Precedent in English Law. 4th ed. Clarendonpress: Oxford, 2004.
6. Dawson J.P , The oracles of the law. (1st ed. 1968). Delran, NJ: Legal Classics Library, 1994.
7. Dicey A. An Introduction to the Study of the Law of the Constitution. London: Macmillan, 1889. (<https://archive.org/details/introductiontos04dicegoog>)
8. Friedman L.M. A History of American Law: 3d ed. Touchstone, 2005.
9. Glenn H.P. Legal traditions of the world. Oxford, 2010. Chapter 7.
10. Hall Kermit, M. Weick, P. Finkelman. American Legal History: Cases and Materials. N.Y., 1996.
11. History of the Common Law: The Development of Anglo-American Legal Institutions. Ed. John H. Langbein and Renee Lettow Lerner. Aspen, 2009.
12. Holdsworth W.S. A history of English law. 17 vols. London: Methuen, 1903-1972.
13. Kempin F.G. Historical Introduction to Anglo-American Law. St. Paul, 1990.
14. Lawson F.H. A common lawyer looks at the civil law. 1953.
15. Reimann M., Zimmermann R., The Oxford handbook of comparative law. Oxford university press, 2006. Chapters 4–5.
16. Slapper G., Kelly D. English legal system. London, 2011.
17. Bracton H. On Laws and Customs of England. Vol. 1. Cambridge. 1968.

Academic hours – 3.

Self-study hours – 4.

Topic 2. Key legal institutes of the English common law.

1. Property law. Types of property in common law family and their difference from the corresponding analogues in the civil law. The concept of property rights and their difference from real rights in civil law family. The concept of the title. The ways of acquiring property rights. Ownership of the land – freehold and leasehold. Land transactions and the transfer of rights. Future interest in things. Ways to protect property rights.
2. Tort law. Kinds of torts. Negligence torts, property torts. Some doctrines of tort law (proximate cause, etc.). Liability torts. Types of liability in tort law. Ways of protection. Certain specific types of torts (trespass, malpractice, diffamation). The difference of the institutions of torts law in common and continental legal families. Comparison of tort liability in the Russian law (Chap. 59 of the Civil Code) with the definite institutions of tort law.
3. Contract law. The place contract law in the common law system. Approaches to the contract, the doctrine of Law and Economics. Concept and types of contract. Elements of the contract.

Counter-satisfaction. Estoppel. Performance of the contract. Termination of the contract. Breach of a contractual obligation. Express and implied term of contract. Methods of interpretation of the contract. Liability for breach of contract. Warranties. Ways of protection. Comparison of the individual institutes of the Russian contract law with the institutions of the common law.

Essential Readings

1. Siems M. *Comparative Law (Law in Context)*. NY: Cambridge University Press, 2014.
2. Cruz P. de. *Comparative law in a changing world*. NY: Routledge-Cavendish, 2008.

Supplementary readings

- Blackstone W. *Commentaries on the laws of England*. Vol.1. Chicago, 1979.
- Burdick Francis M. *The Law of Torts: A Concise Treatise on the Civil Liability at Common Law and under Modern Statutes for Actionable Wrongs to Person and Property*. - BeardBooks, Washington, D.C. - 1905-2000.
- Burnham W. *Introduction to the Law and Legal System of the United States*. St. Paul, 2011.
- Charman M. *Contract Law*. 4th edition. Willan, 2007.
- Clarke A., Kohler P. *Property Law. Commentary and Materials*. Cambridge University Press, 2005.
- Coke E. *The Institutes of the laws of England, concerning the Jurisdiction of Courts*. London, 1644.
- Geoffrey S. *Law of Obligations and Legal Remedies*. London. Cavendish Publishing Limited. 2001.
- Ibbetson D.J. *A historical introduction to the law of obligations*, Oxford: OUP, 2006.
- Jewell M. *An introduction to English contract law. For German readers with exercises*. 2nd ed. Baden-Baden, 2002.
- Storme M. *Property Law in a Comparative Perspective*. Spring, 2004.
- Zoller E. *Introduction to Public Law: A Comparative Study*. Nijhoff Publisher, 2006.

Academic hours – 3.

Self-study hours – 4.

Part III. The civil law system.

Topic 1. The civil law system.

1. The historical roots of the civil law family. Division of the law into private and public. Community of basic legal institutions of the European countries. Place of the Constitution and the constitutional supervision in the European legal systems. Modern trends of European constitutionalism. The main sources of law: the current trend. The correlation between law and case with the similar forms of fixation of law in modern European legal systems.
2. EU law, national and communitarian legislator. The principle of implied powers, subsidiarity. The Treaty of Lisbon. National and European jurisdictions.
3. Reception of Roman law, pandect and institutional systems. The system of Russian law in the family of private civil law. National and universal features in private law in Europe. An overview of Europe and the world maps from the spread of various models of private law. The draft European Civil Code. Branches of law related to the modern model of welfare states in Europe.

4. Freedom of contract and its limits. Paternalistic restrictions on freedom of contract. Conclusion of the contract. Terms of the contract. Grounds for recognizing the contract null and void. The concept of unjust enrichment. Tort concept. Property rights – particularities in national models. Inheritance and Family Law.

Essential Readings

1. Cruz P. de. Comparative law in a changing world. NY: Routledge-Cavendish, 2008.
2. The Civil Law Tradition, 3rd Edition: An Introduction to the Legal Systems of Europe and Latin America. Stanford University Press, 2007.

Supplementary readings

1. Caenegem R.C. van. European Law in the Past and the Future: Unity and Diversity over Two Millennia. Cambridge: University Press, 2002.
2. David R. Academic works, reason, equity // International encyclopedia of comparative law. Tübingen, J.C.B. Mohr, 1984, vol. 2, chapter 3, p. 138-145.
3. Dawson J.P. The oracles of the law. (1st ed. 1968). Delran, NJ: Legal Classics Library, 1994.
4. Glenn H.P. Legal traditions of the world. Oxford, 2010. Chapter 5.
5. Radley-Gardner O., Beale H. Fundamental Texts on European Private Law. Oxford and Portland, Oregon, 2003.
6. Reimann M., Zimmermann R., The Oxford handbook of comparative law. Oxford university press, 2006. Chapters 1–2.
7. Rivera J.S. The Scope and Structure of Civil Codes (Ius Gentium: Comparative Perspectives on Law and Justice). 2013.
8. Stein P. Roman law in European history. New York: Cambridge University Press, 1999.
9. Wieacker F. A history of private law in Europe with particular reference to Germany. Translated from German by Tony Weir. Oxford, 1995.
10. Youngs R. English, French & German Comparative Law. London, 2011.
11. Zoller E. Introduction to Public Law: A Comparative Study. Nijhoff Publisher, 2006.

Academic hours – 4.

Self-study hours – 4.

Topic 2. French law.

1. French legal history. *Coutumes*, reception of Roman law by South France. French civil schools. The French civil code and its development in XIX-XX centuries. French constitutional history.
2. The primary sources of law. Unwritten law: custom. The concept of custom: the material and the psychological moments. The place of the custom in modern positive law. The correlation between the laws and customs: custom «secundum lege» (established by law), custom «praeter legem» (above the law), custom «contra legem» (contrary to law). Secondary sources of law. Judicial practice, administrative practice. Civil courts of first instance. The courts of the first instance: *Le Tribunal de Grande Instance*. The main courts with exclusive jurisdiction of first instance: *Le Tribunal de Justice, les juges de paix*.
3. Institutional system of French civil law. French Civil Code of 1804: drafting history, enactment, institutional system of civil law. Contractual right - the division of contracts on exchange and binding. Modern trends in French property law. Reception of French civil law since the early 19th century (with particular reference to Russian law).

Essential Readings

1. Cruz P. de. Comparative law in a changing world. NY: Routledge-Cavendish, 2008.
2. Bell J., Boyron S., Whittaker S. Principles of French Law. Oxford: OUP, 2008.

Supplementary readings

1. Aubert J.L Introduction au droit, 10ème édition, Paris: PUF, 2007.
2. Carbonnier J. Droit civil. Introduction, 2ème éd. Paris: Thémis, 2002.
3. Cornu G. Introduction au droit, 13ème éd. Thémis, PUF, 2008.
4. Dawson John P , The oracles of the law. (1st ed. 1968). Delran, NJ: Legal Classics Library, 1994.
5. Jestaz Ph., Jamin Ch. The entity of French doctrine: some thoughts on the community of French legal writers // Oxford Journal of Legal Studies, 1998, vol. 18, no. 4, p. 415–437 [jstor.org];
6. Reimann M., Zimmermann R.,. The Oxford handbook of comparative law. Oxford university press, 2006. Pp. 52-87.
7. Steiner Eva, French Law: A Comparative Approach Oxford: OUP, 2010.
8. Terré F. Introduction au droit, 7ème éd., Paris: Dalloz, 2006.
9. The Civil Law Tradition, 3rd Edition: An Introduction to the Legal Systems of Europe and Latin America. Stanford University Press, 2007.
10. Zoller E. Introduction to Public Law: A Comparative Study. Nijhoff Publisher, 2006.

Academic hours – 4.

Self-study hours – 4.

Topic 3. German law.

1. Features of German legal history.
2. History of the German constitutionalism. The primacy of the Constitution (*Grundgesetz*, the Basic Statute) in the German law. An overview of the Constitution. The direct effect of the Constitution, the case *Elfes* (1957) and *Luth* (1958) system of constitutional immunity of democracy. Constitutional principles (Art. 20). Land constitutional courts. Administrative law in Germany. Procedural law and the system of courts of Germany.
3. History of the German private law. The Civil Code of 1896 (*Bürgerliches Gesetzbuch* - BGB) and its impact on private law in Germany and beyond. The historical connection of the German and Russian private law. Fundamentals of Obligations Art. 242 BGB. Current trends in the German law of obligations, the reform of 2002. The system of legal entities in German law, in comparison with Russian system entities. Characteristics of institutions of property law in Germany. Features of German marital and family law.
4. German legal education and the legal profession.

Essential Readings

1. Cruz P. de. Comparative law in a changing world. NY: Routledge-Cavendish, 2008.
2. Foster N., Sule S. German Legal System and Laws (German Legal System & Laws). 4th ed. Oxford: OUP, 2010.
3. Robbers G. An Introduction to German Law. Baden-Baden: Nomos, 2012.

Supplementary readings

1. Dawson J.P , The oracles of the law. (1st ed. 1968). Delran, NJ: Legal Classics Library, 1994.



2. Dedek H., Schermaier M. German Law, in: Elgar Encyclopedia of comparative law. 2nd ed. Northampton, Mass.: Edward Elgar Pub., 2012, no. 7.2 (legal theory) [LMS resource]
3. Fisher H. D. The German Legal System and Legal Language. Bristol, 2002.
4. Reimann M. Nineteenth Century German Legal Science // Boston College Law Review. 1990. Vol. 31. № 4.
5. Reimann M., Zimmermann R., The Oxford handbook of comparative law. Oxford university press, 2006. Chapter 2.
6. The Civil Law Tradition, 3rd Edition: An Introduction to the Legal Systems of Europe and Latin America. Stanford University Press, 2007.
7. Vogenauer S. An Empire of Light? II: Learning and Lawmaking in Germany Today // Oxford Journal of Legal Studies. 2006, vol. 26, № 4, p. 627–663 [jstor.org].
8. Wieacker F. A history of private law in Europe with particular reference to Germany. Translated from German by Tony Weir. Oxford, 1995.
9. Youngs R. Sourcebook on German Law. London, 2002.
10. Zimmermann R. The new German law of obligations: historical and comparative perspectives. Oxford: OUP, 2005.

Academic hours – 4.

Self-study hours – 4.

Part IV. Mixed Jurisdictions (Hybrid legal systems).

1. The concept of a mixed jurisdiction or hybrid legal system.
2. The law of Quebec. Dualistic legal system: the influence of common law and civil law systems. Codification of civil law in 1866 and 1991, the interplay of the laws of Quebec with the federal law of Canada.
3. The law of South Africa. Influence of the Roman-Dutch law and the English common law.
4. The law of Israel. The influence of Jewish law and the law of the Ottoman Empire. The law of the State of Louisiana in the United States. The influence of law in France and the common law.

Essential Readings

1. Siems M. Comparative Law (Law in Context). NY: Cambridge University Press, 2014.
2. Cruz P. de. Comparative law in a changing world. NY: Routledge-Cavendish, 2008.

Supplementary readings

1. Brierly, J.E.C. Quebec’s Civil Law Codification // McGill Law Journal. Vol. 14. 1964. № 14.
2. Fridmann D. Infusion of the Common Law into the legal System of Israel // Israel Law Review. 1975. N 10.
3. Fridmann D. The Effect of Foreign Law on the Law of Israel: Remnants of the Ottoman Period // Israel Law Review. 1977. N 10.
4. Glenn H.P. Legal traditions of the world. Oxford, 2010.
5. Griffiths J. What is Legal Pluralism? // Journal of Legal Pluralism and Unofficial Law, vol. 32 no. 24 (1986).
6. Hargrave W.L. The Louisiana state constitution: a reference guide. 1990. Volume 37. Greenwood Pub Group.
7. Joubert, W. A. The Law of South Africa. Durban, 2004.

8. Likhovsky A. The Time has not Yet come to Repair the World in the Kingdom of God: Israeli Lawyers and the Failed Jewish Legal Revolution of 1948 // Tel-Aviv University Law School. Year 2008, paper 68.
9. Likhovsky A. In Our Image: Colonial Discourse and the Anglicization of the Law of Mandatory Palestine // Israel Law Review. Vol. 29. 1995. N 3.
10. Mixed Jurisdictions Worldwide. The Third Legal Family. 2nd ed. Palmer: Vernon Valentine, 2012.
11. Reimann M., Zimmermann R., The Oxford handbook of comparative law. Oxford university press, 2006. Chapter 14.
12. Watson A. Legal Transplants: An Approach to Comparative Law. Edinburgh, 1974; Id. Legal Transplants. 2nd ed. Athens; Georgia, 1993.
13. Zimmermann R, Visser D.P. Southern cross: civil law and common law in South Africa. Oxford: OUP, 1996.

Academic hours – 4.

Self-study hours – 4.

Part V. Muslim law and Sharia.

1. Approaches to Islamic law as a religious phenomenon and legal phenomenon. The concept of sharia, its definition and structure. The concept of ijihad and fiqh. Fiqh - Islamic legal doctrine and Islamic law in an objective sense. The main sources of fiqh. The ratio between religious (Quran and Sunnah) and rational (analogy, "excluded interests," istihsan et al.) sources of law.
2. Doctrine as the leading source of Islamic law. Basic classification, theoretical constructs and concepts of Islamic law. The basic principles of fiqh and Islamic law. The reflection in it the religious principles and the legal nature of Islamic law.
3. Development of the Islamic concept of the state (caliphate) within the Islamic legal doctrine (fiqh).
Violation of Sharia as a religious sin and offense in the legal sense, religious and "secular" sanctions for violations. Criteria for classification of offenses: the nature of the violated rights and strengthening accountability measures in the major sources of fiqh. Three categories of offenses: hudud, qisas and ta'zir.
4. Sharia justice as the leading institute in the Islamic states and Islam as a normative system. Islamic thought as the leading principle of justice. Principles of organization of the sharia court. Requirements for the qadi (Sharia judge). The implementation of the principle of equality in the organization and operation of the Shariah court. Powers of Sharia judge.
5. Islamic and Western legal culture: confrontation and interaction.

Essential Readings

1. Schacht J. An introduction to Islamic Law. Oxford: OUP, 1982.
2. David R., Brierly J. Major legal systems in the world today: an introduction to the comparative study of law. 3rd ed. 1985.

Supplementary readings

1. Bowen J.R. Law and Social Norms in the Comparative Study of Islam // American Anthropologist. 1998. Vol. 100. №. 4. P. 1034-1038;
2. Glenn H.P. Legal traditions of the world. Oxford, 2010. Chapter 6.
3. Hallaq, W. B. Shari'a between Past and Present: Theory, Practice and Modern Transformation. New York, 2009. Pp.25 – 222;

4. Hasan A. The Sources of "Fiqh": A General Survey // Islamic Studies. 1990. Vol. 29. № 2. P. 109-129;
5. Hasan A. The Sources of "Fiqh": A General Survey // Islamic Studies. 1990. Vol. 29. № 2. P. 109-129;
6. Rayner S. The theory of contracts in Islamic law : a comparative analysis with particular reference to the modern legislation in Kuwait, Bahrain, and the United Arab Emirates. London: Graham & Trotman, 1991.
7. Reimann M., Zimmermann R., The Oxford handbook of comparative law. Oxford university press, 2006. Chapter 18.
8. Schacht J. The Origins of Muhammadan Jurisprudence. Oxford: OUP, 1979.

Academic hours – 4.

Self-study hours – 4.

Part VI. Chinese and Japanese legal tradition and its change.

1. Traditional Chinese law. The influence of Confucianism. Socialist Chinese law. The influence of the legal system of the USSR. The role of the law. "Chinese-Soviet" model of a crime. Economic modernisation of China and its impact on Chinese law. The Legal System of the People's Republic of China today.
2. Traditional Japanese law. The value of customs. Meiji Revolution of 1868. The impact of the legal systems of Germany and France before WWII. The influence of the United States right after 1945.

Essential Readings

1. Oda H. Japanese Law. Oxford: OUP, 2011.
2. Chow D. The Legal System of the People's Republic of China in a Nutshell, 2d ed. 2009.

Supplementary readings

1. Bin Liang, The changing Chinese legal system. 1978-present. 2008.
2. Chen Lei, The historical development of the Civil Law tradition in China: a private law perspective // The Legal History Review 78 (2010) P. 159-181.
3. Chiu T. Law and Society in Traditional China. Paris: Muton, 1961.
4. Glenn H.P. Legal traditions of the world. Oxford, 2010. Chapter 9.
5. Haley, J.O. The spirit of Japanese Law. University of Georgia Press, 1998.
6. Head J.W. Great Legal Traditions: Civil Law, Common Law, and Chinese Law in Historical and Operational Perspective. Carolina Academic Press, 2011.
7. Huang Ph.C. Chinese civil justice, past and present. 2010.
8. Kim H.I. Fundamental legal concepts of China and the West. 1981.
9. MacCormack G. 'Agreement', 'Contract' and 'Debt' in Early Chinese Law // Comparative legal history. 2014, 2(1), P. 1–29.
10. Potter P.B. The Chinese legal system: globalization and local legal culture. 2001.
11. Reimann M., Zimmermann R., The Oxford handbook of comparative law. Oxford university press, 2006. Chapter 7.

Academic hours – 4.

Self-study hours – 4.

Part VII. Global comparative law.

1. Legal Transplants: historical development in continental Europe, during and after colonialism, in non-colonial countries.
2. Fading state borders. The end of state? The role of public and private international law. Convergence and transnationalism vs. regionalism.
3. Comparative law and development. Development and the rule of law. The critics of ‘law and development’.
4. Comparative law as an open subject.

Essential Readings

1. Siems M. *Comparative Law (Law in Context)*. NY: Cambridge University Press, 2014.
2. Cruz P. de. *Comparative law in a changing world*. NY: Routledge-Cavendish, 2008.

Supplementary readings

1. Adams M., Bomhoff J., *Practice and Theory in Comparative Law*. 2012.
2. Bakardjieva Engelbrekt A., Nergelius J. *New Directions in Comparative Law*. 2009.
3. Harding A., E. Örücü, *Comparative Law in the 21st Century*. Kluwer Academic, 2002.
4. Menski W.F. *Comparative Law in a Global Context: The Legal Systems of Asia and Africa*. 2006.
5. Reimann M., Zimmermann R., *The Oxford handbook of comparative law*. Oxford university press, 2006. Chapters 16–17.

Academic hours – 4.

Self-study hours – 4.

8 Bibliography and References

8.1 Recommended textbook

1. Siems M. *Comparative Law (Law in Context)*. NY: Cambridge University Press, 2014.

8.2 Primary reading

2. Butler W.E. *Russian Law*. 3 ed. Oxford, 2009.
3. Chow D. *The Legal System of the People's Republic of China in a Nutshell*, 2d ed. 2009.
4. Cruz P. de. *Comparative law in a changing world*. NY: Routledge-Cavendish, 2008.
5. Elgar *encyclopedia of comparative law*. Cheltenham; Northampton Edward Elgar, 2012.
6. Glenn H.P. *Legal traditions of the world*. 4 ed. Oxford, 2013.
7. Oda, H. *Japanese law*. Oxford; New York Oxford University Press, 2012.
8. Reimann M. *The Progress and Failure of Comparative Law in the Second Half of the Twentieth Century // American Journal of Comparative Law*. 2002. N. 4, p. 671-700.
9. Robbers, G. *An introduction to German law*. Nomos Verlagsgesellschaft, 2012.
10. Slapper G., Kelly D. *English legal system*. London, 2011.
11. Schacht J. *An Introduction to Islamic Law*. Oxford, 1982.
12. Steiner E. *French law*. Oxford; New York Oxford University Press, 2012.

Secondary reading

See above in the curriculum by topics.

8.3 References

- Black's Law Dictionary. Ed. Bryan A Garner. 9th ed. St. Paul, Minn. : West Pub. Co., 2009.
Creifelds Rechtswörterbuch. Eds. Carl Creifelds; Klaus Weber, Dieter Guntz. München: Beck, 2004.
Dictionnaire de la culture juridique. Ed. par Denis Alland. 3 ed. Paris: PUF, 2010.
Elgar encyclopedia of comparative law. Cheltenham; Northampton Edward Elgar, 2012.
Oxford Reference Online Premium (on the network of the Higher School of Economics)
The Oxford handbook of comparative law. Eds M. Reimann, R. Zimmermann. Oxford university press, 2006.

8.4 Required software and on-line databases

- Microsoft Office (Word, Excel, PowerPoint, OneNote, Outlook, Access, Project, Visio);
- e-mail;
- learning management system (LMS, eFront);
- the Law Library of Congress Public Services www.loc.gov/law/ (US legislation);
- Her Majesty's Stationery Office www.legislation.gov.uk/ (English legislation);
- Legifrance <https://www.legifrance.gouv.fr/> (French law);
- Dejure.org <https://dejure.org/> (German law);
- Garant legal database <http://study.garant.ru> (Russian law).

8.5 On-line support

On-line support for the course is provided via learning management system (LMS, eFront).