

**UNIVERSITY OF NEVADA, LAS VEGAS**  
**DEPARTMENT OF POLITICAL SCIENCE**  
**Political Science 411H.1**  
**Comparative Law**

Fall, 2009  
R 4: 00- 6: 45 p.m.  
CBC C 126

Prof. Mehran Tamadonfar  
WRI B 212  
Off. Hours: TR 9:45-11:15 a.m.  
and by appointment  
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**PURPOSE AND SCOPE:**

This comparative/public law course is designed to:

1. Introduce students to the concepts, methods, theories, and contemporary issues in Comparative Law.
2. Comparatively analyze the origins, processes, structures, and codes in the British, French, German, American, Judaic, and Islamic legal systems and traditions.

The current trend toward globalization has renewed interest in both international and comparative laws. There seems to be an urgent need for understanding the laws that govern international relations as well as laws that govern different societies. This understanding is considered to be necessary for the expansion of trade, tourism, immigration, and growing integration and harmony in a changing world. Evidently, the era of legal isolationism is coming to an end rapidly. However, comparative legal education is in its infancy and still faces serious challenges by legal isolationists who continue to neglect this field largely due to their limited abilities and their ideological commitment to certain legal traditions.

**REQUIRED TEXTS**

**1. Text to Purchase:**

1. Peter De Cruz, *Comparative Law in a Changing World*, 3<sup>rd</sup> edition, London: Routledge. Cavendish; 2007.

2. Wael hallaq, *The Origins and Evolution of Islamic Law*, Cambridge: Cambridge University Press; 2005.

**2. Specialized Readings:**

**I. On the American System:**

- Alex Hamilton, The Federalist 78
- Eugene Rostow, The Democratic Character of Judicial Review, Harvard Law Review, Dec. 1952

## II. On the Islamic Law and Jurisprudence:

- Mehran Tamadonfar, "Islam, Law and Political Control", Journal for the Scientific Study of Religion, 2001.
- The Constitution of the Islamic Republic of Iran.
- Ann Elizabeth Mayer, "Law and Religion in the Muslim Middle East", The American Journal of Comparative Law, Vol. 35, No. 1, Winter 1987. Pp. 127-184.
- Shaul Bakhash, "The Politics of Land and Social Justice in Iran", Middle East Journal, Vol. 43, No. 2, Spring 1989. Pp. 186-201.

## III. On the Jewish Law and its impact on western legal traditions:

- Basic source on Jewish law: <http://www.jlaw.com/> A list of 613 mitzvah found in the Torah: <http://www.jewfaq.org/613/htm>  
The following rules may be of some interest in comparison to western laws
  - Rules 170-183 Business Practices
  - Rules 184-188 Employee Practices
  - Rules 227-262 Courts and Procedures
  - Rules 270-277 Property Laws
  - Rules 278-284 Criminal Laws
- "The Return of Lost Property According to Jewish and Common Law: A Comparison", <http://www.jlaw.com/articles/avedahl/html>
- A listing of articles on various aspects of Jewish law: <http://www.jlaw.com/aarticles/>

## 3. Materials available at the UNLV Lied Library.

- John H. Langbein, "The Influence of Comparative Procedure in the United States", The American Journal of Comparative Law, Vol. 43, 1995. Pp. 545-554.
- Stefan Riesenfeld, "The Influence of German Legal Theory on American Law: The Heritage of Savigny and His Disciples", The American Journal of Comparative Law, Vol. 37, 1989. Pp 1-7.
- "Are there No International Lawyers Any more?" The American Journal of Comparative Law, vol. 75, 1981. Pp 134-137.
- The Constitution of the Islamic Republic of Iran.  
Ann Elizabeth Mayer, "Law and Religion in the Muslim Middle East", The American Journal of Comparative Law, vol. 35, No. 1, Winter 1987. Pp. 127-184.
- Shaul Bakhash, "The Politics of Land, Law, and Social Justice in Iran", Middle East Journal, vol. 43, No. 2, Spring 1989. Pp 186-201.

-Mehran Tamadonfar, "Islam, Law and Political Control in Contemporary Iran," JSSR, 2001.

## **COURSE CONDUCT AND EVALUATION POLICY**

Since this course is still experimental, I am hoping that the class will be small so I can run the course as a seminar. All students are expected to attend class regularly and participate in discussions effectively. So, please do your readings before attending class. Unexcused absences and chronic tardiness may result in the student being dropped from the course. Students are expected to take their exams on the schedule dates. Only those with **legitimate and compelling excuses** are allowed to take make up exams. There will be no written make up exams for missed exams. There will be no make ups for final examination. **Students are not allowed to audio or video tape the lectures and text message in class. Violators will be asked to leave the class and will be subject to disciplinary action by the Student Code Officer.** Course grades will be determined as follows:

1. Class attendance and participation . . . . . 10% of the grade
2. Mid-term examination on **Oct. 1** . . . . . 40% of the grade
4. Final examination on **Dec. 10 (6:00 p.m.)** . . . . . 50% of the grade

## **COURSE OUTLINE:**

Note: The following topics and times are subject to minor changes, if necessary, to accommodate your interests and needs.

**August 27 Introduction and Overview**

**September 3 Concepts, methods, theories ,  
and functions of Comparative Law**

### **Required Reading:**

- De Cruz, Chapters 1, 2 & 7.

**Sept. 10 History, contemporary status and problems,  
Globalism, legal isolationism, and judicial neglect**

### **Required Reading:**

- John Langbein, pp. 545-554.

- Are There No International Lawyers Any more? pp. 134-137.

- S. Reisenfeld, "The Influence . . . ", pp. 1-7.

- De Cruz, Chapter 14.

Sept. 17  
& 24

**Structures, Procedures, and Issues in Common Law systems:**

**A. The British System:**

Origins and History  
Legal structures  
Civil and Criminal Codes

**Required Reading:**

- De Cruz, Chapters 4 & 8.

**B. The U.S. Judiciary:**

Judicial independence  
Judicial selection  
Judicial reform

**Required Reading:**

- Alexander Hamilton, *The Federalist* 78  
- Eugene Rostow, "The Democratic Character of Judicial Review," *Harvard Law Review*, Dec. 1952

***OCTOBER 1 MID-TERM EXAMINATION***

October 8

**The Continental Systems:**

Origins and History: Romanistic law (Praetorian Edict and Responsa)

**Required Reading;**

- De Cruz, Chapter 3

October 15,  
22 & 29

**Modern European Systems:**

**A. The French System:**

Origins and History, The Napoleonic Code  
Legal Structures  
Modern Civil and Criminal Codes

**B. The German System:**

Origins and History  
Judicial Structures  
The Civil Code (1900) and Quasi Case Law

**Required Reading:**

- De Cruz, Chapters 9 & 10.

**Nov. 5                    The Judaic Law and Its Impact on the western legal history**

**Suggested Reading:**

613

- Basic source on Jewish Law: <http://www.jlaw.com/> . A list of

mitzvah found in the Torah: <http://www.jewfaq.org/613/html>

-The following rules may be of some interest in comparing to western Laws:

Rules 170-183 Business Practices

Rules 184-188 Employee Practices

Rules 227-262 Courts and Procedures

Rules 270-277 Property Laws

Rules 278-284 Criminal Laws

- The Return of Lost Property According to Jewish and Common Law: A Comparison,”

<http://www.jlaw.com/articles/avedahl/html>

- A listing of articles on various aspects of Jewish law:

<http://www.>

[Jlaw.com/Articles/](http://www.jlaw.com/articles/)

**Nov. 12 & 19**

**The Islamic Legal Traditions:**

Origins and History

The current Iranian Courts, Procedures, and Codes

**Required Reading:**

-Hallaq, Chapters 1-8.

- The Constitution of the Islamic Republic of Iran.

- Ann Mayer, “Law and Religion”, pp. 127-184.

- Shaul Bakhash, “The Politics of Land . . . “pp. 186-201.

- Mehran Tamadonfar, “Islam, Law,”

**Dec. 3**

**Concluding Remarks and Review Session**

**Dec. 10**

***FINAL EXAMINATION (6:00 p.m.)***

Note: I will honor any and all university system rules and regulations including rule pertaining to religion observances, academic dishonesty and disabilities. Please see disability statement

Below:

If you have a documented disability that may require assistance, you will need to contact the Learning Enhancement Services (DRC) for coordination of your academic accommodation. The LES is located in the Reynolds Student Services complex in Room 137. The phone

number is 895-0866 (TDD 895-0652) and [www.drcssc@ccmail.nevada.edu](mailto:www.drcssc@ccmail.nevada.edu)".

**Have a successful Semester!!!**