

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

Summer 2007  
M-R 5:00-6:55 p.m.  
WRI, C235

Prof. Mehran Tamadonfar  
WRI B 212 and 225  
Off. Hours: M-R 8:10 a.m.  
and by appointment  
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**PURPOSE AND SCOPE:**

This comparative course is designed to:

1. Introduce students to the concepts, methods, 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:**

Mary Ann Glendon, M. Gordon, and Paolo Carozza, *Comparative Legal Traditions*, 2<sup>nd</sup> ed., 1999, St. Paul; West Group.

**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 Bakhask, "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 Bakhsh, "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 I am still experimenting with this course, I intend to run the course as a seminar. This means that I expect a great deal of participation by students. Attendance for this class is mandatory. Unexcused absences and chronic tardiness may result in the student being dropped from the course. Course grades will be determined as follows:

1. Class attendance and participation . . . . . 10% of the grade
2. Mid-term examination on June 18... . . . . 40% of the grade
4. Final examination on July 5 (5:00 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.

**June 4            Introduction and Overview**

**June 5 and 6   Concepts, methods and functions of Comparative Law**

**Required Reading:**

- Glendon, pp. 1-15.

**June 7, 11      History, contemporary status and problems,  
Globalism, legal isolationism, and judicial neglect**

**Required Reading:**

- Glendon, pp. 58- 147.
- John Langbein, pp. 545-554.
- Are There No International Lawyers Any more? pp. 134-137.
- S. Reisenfeld, "The Influence . . . ", pp. 1-7.

**June 12,13,    Structures, Procedures, and Issues in Common Law systems:  
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**A. The British System:**

- Origins and History
- Legal structures
- Civil and Criminal Codes

**Required Reading:**

- \_ Glendon, pp. 150-286.

**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

**June 18**            **Mid-term Examination**

**June 19**            **The Continental Systems:**  
Origins and History: Romanistic law (Praetorian Edict and Responsa)

**Required Reading:**

- Glendon, pp. 16-57.

**June 20, 21,**      **Modern European Systems:**  
**June 25, 26**

**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:**

- Glendon, pp. 58-147.

**June 27**            **The Judaic Law and Its Impact on the western legal history**

**Suggested Reading:**

- Basic source on Jewish Law: <http://www.jlaw.com/> . A list of 613 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/>

**June 28, July 2**

**The Islamic Legal Traditions:**

Origins and History

The current Iranian Courts, Procedures, and Codes

**Required Reading:**

- 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,”

**July 3**

**Concluding Remarks and Review Session**

**July 5**

***Final Examination (5 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](http://www.drcssc@ccmail.nevada.edu).

**Have a successful Semester!!!**