

Common Law in Comparative Perspective / Common Law in Business Practice

Date: Thursday 10.15 – 11.45
Room: US-D 312

Syllabus

Part 1: Introduction: Comparative Law Revisited

Part 2: Roots of the Common Law Tradition

Part 3: English Courts and Judges

Part 4: United Kingdom and Europe

Part 5: English Contract Law I: Offer and Acceptance

Part 6: English Contract Law II: Voidability, Content and Remedies

Part 7: English Tort Law

Part 8: English Property Law

**Part 9: US Law I: Constitution, Education, UCC, Restatements,
Federal and State Law**

Part 10: US Law II: Structure of Courts, their Jurisdiction and Procedure

Part 11: Negotiating with Lawyers from the Common Law World

Part 12: Summary: Common Law v. Civil Law

Literature and Materials

Literature in English

- *Bugg*, Contracts in English – An Introductory Guide to Understanding, Using and Developing ‘Anglo-American’ Style Contracts, 5th ed., Munich 2023
- *Cartwright*, Contract Law: An Introduction to the English Law of Contract for the Civil Lawyer, 4th ed., Oxford 2023
- ***Deakin & Adams, Markesinis & Deakin’s Tort Law, 8th ed., London 2019***
- ***McKendrick, Contract Law – Text, Cases and Materials, 11th ed., Oxford 2024***
- *Peel*, Treitel on the Law of Contract, 15th ed., London 2020
- classics: **Chitty on Contracts, Clerk & Lindsell on Torts**, etc.
<https://www.sweetandmaxwell.co.uk/common-law-library/index.aspx>
- *Barnes, Dworkin, & Richards*, Law for Business, 14th ed., New York 2020
- ***Hay, Law of the United States, 4th ed., Munich 2016***
- *K. W. Junker* (ed.), U.S. Law for Civil Lawyers – A Practitioner’s Guide, Munich 2021
- *Kadner Graziano*, Comparative Contract Law, 3rd ed., Cheltenham 2023
- *Kadner Graziano*, Comparative Tort Law, Abingdon 2018
- *Kischel*, Comparative Law, Oxford 2019
- *Markesinis, Bell & Janssen*, Markesinis’s German Law of Tort, 5th ed., Oxford 2019
- *Markesinis, Unberath & Johnston*, The German Law of Contract, 2nd ed, Oxford 2006
- *Müller-Chen, C. Müller & Widmer Lüchinger* (eds.), Comparative Private Law, Zürich 2015
- *Reimann & Zimmermann* (eds.), The Oxford Handbook of Comparative Law, 2nd ed., Oxford 2019
- *Zweigert & Kötz* (translated by *Weir*), Introduction to Comparative Law, 3rd ed., Oxford 1998

Literature in German

- *v. Bernstorff*, Einführung in das englische Recht, 5. Aufl., München 2018
- *Blumenwitz*, Einführung in das anglo-amerikanische Recht – Rechtsquellenlehre, Methode der Rechtsfindung, Arbeiten mit praktischen Rechtsfällen, 7. Aufl., München 2003
- *Henrich/Huber*, Einführung in das englische Privatrecht, 3. Aufl., Darmstadt 2003
- *Ostendorf*, Englisch Recht in der Vertragsgestaltung, München 2021
- *Schmeitzl*, Der Zivilprozess in England – Ein Leitfaden für die Praxis, München 2024
- *Triebel/Vogenauer*, Englisch als Vertragssprache – Fallstricke und Fehlerquellen, München 2018
- *Vogenauer* (Hrsg.), Englisch Handels- und Wirtschaftsrecht, München, 4. Aufl. 2024
- *K. W. Junker/N. S. Schmidt*, US-amerikanische Rechtskultur, Tübingen 2023
- ***Hay/Kern, US-Amerikanisches Recht, 8. Aufl., München 2024***
- *Schack*, Einführung in das US-amerikanische Zivilprozessrecht, 5. Aufl., München 2020
- *Reimann*, Einführung in das US-amerikanische Privatrecht, 2. Aufl., München 2004
- *Kadner Graziano*, Europäisches Vertragsrecht, Basel 2008
- *Kischel*, Rechtsvergleichung, München 2015
- *Koch/Magnus/Winkler v. Mohrenfels*, IPR und Rechtsvergleichung, 4. Aufl., München 2010
- ***Zweigert/Kötz, Einführung in die Rechtsvergleichung, 3. Aufl., Tübingen 1996***

Legislation and case law

- **UK:** <https://www.legislation.gov.uk>; [British and Irish Legal Information Institute](https://www.britishandirishlegalinstitute.com/) (list of [leading cases](#)); www.supremecourt.uk/decided-cases (cases decided by Supreme Court as well as a link to House of Lords); www.lawcom.gov.uk (Law Commission with Consultation Papers, etc.); <http://services.parliament.uk/bills> (Bills currently before Parliament)
- **US:** [Legal Information Institute](https://www.legalinformationinstitute.com/) (especially federal law); <https://law.justia.com>; <https://lp.findlaw.com>; www.dajv.de/blog

All PowerPoints and further material for each part of the lecture

- are available on <https://moodle.uni-siegen.de>. The password will be announced in the lecture.