

Common Law in Comparative Perspective

Date: Thursday 8.15 – 9.45
Room: US-D 321

Syllabus

Part 1: Introduction

Part 2: Insights of Comparative Law Revisited

Part 3: Roots of the Common Law Tradition

Part 4: English Courts and Judges

Part 5: United Kingdom and Europe (Brexit)

Part 6: English Contract Law I: Offer and Acceptance

Part 7: English Contract Law II: Voidability, Content and Remedies

Part 8: English Tort Law

Part 9: English Property Law

Part 10: Peculiarities of US Law

Part 11: US Courts, their Jurisdiction and Procedure

Part 12: Negotiating with Lawyers from the Common Law World

Part 13: Summary: Common Law v. Civil Law

Literature and Materials

Literature in English

- *Burrows* (ed.), English Private Law, 3rd ed., Oxford 2013
- *Cartwright*, Contract Law: An Introduction to the English Law of Contract for the Civil Lawyer 3rd ed., Oxford 2016
- **Markesinis, Deakin & Johnston, Tort Law, 7th ed., London 2012**
- **McKendrick, Contract Law, 14th ed., London 2021**
- *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, 13th ed., New York 2018
- **Hay, Law of the United States, 4th ed., Munich 2016**
- *Junker* (ed.), U.S. Law for Civil Lawyers – A Practitioner’s Guide, Munich 2021
- *Lawrence M. Friedman & Hayden*, American Law - An Introduction, 3rd ed., Oxford 2017
- *Kadner Graziano*, Comparative Contract Law, 2nd ed., Cheltenham 2019
- *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*, Englischtes Recht in der Vertragsgestaltung, München 2021
- **Triebel/Illmer/Ringe/Vogenauer/Ziegler, Englischtes Handels- und Wirtschaftsrecht, 3. Aufl., Heidelberg 2012**
- *Triebel/Vogenauer*, Englisch als Vertragssprache – Fallstricke und Fehlerquellen, München 2018
- **Hay, US-Amerikanisches Recht, 7. Aufl., München 2020**
- *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**

Acts and cases

- <https://www.legislation.gov.uk>
- [British and Irish Legal Information Institute](#) (especially list of [leading cases](#))
- primarily US federal law: [Legal Information Institute](#)

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.