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PSC 395.01: Comparative Legal Systems

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All civil societies govern themselves by some form of law. This course explores different approaches to the subject of law. In the US, the impeachment trial of President Clinton dramatically illustrates the American view of the "law". The meaning of law, the processes by which it is derived or created and its application, differ widely around the world.

Subject matter Categories

Country case studies will be drawn from four areas of the world. Each involves distinctive approaches to "law." The first is the western-liberal tradition. Less emphasis should be placed upon the already familiar Anglo-American tradition than upon continental European countries especially Scandinavia and Mediterranean countries.

The second area is Africa representing both tribal traditions and developing countries in general. In these countries legal systems reflect differing and often conflicting legal philosophies.

The third legal tradition is that of East Asia, which we are calling the Confucian tradition. In a sense, it is hard to define law in Asia. Here we are dealing more with ethics and culture. Modern Asia, however, has been forced out of necessity to incorporate western approaches to law in order to cope with the demands of the contemporary world.

The fourth legal tradition is that of Islam. The meaning of law in Islamic countries is fundamentally different from that of the west. It is this difference that explains, in part, the strain in relations between western countries and the Islamic countries of the middle east.

Given that the amount and quality of information available is uneven, it is impractical to try and focus upon one single country in each of the geographical areas. Instead, the areas as a whole can be considered in order to gather data on the subject matter categories listed below.

Case studies

Each of the four geographical areas listed above will be examined in terms of four subject matter categories. Given that material is not available for all countries on all topics, not all subjects can be considered in detail. Not much is known, for example, on law enforcement and corrections practices in the Islamic world.

- I. Constitutional foundations
 - A. What is the historical background of the constitution?
 - B. What are the theoretical bases of the political system?
 - C. How is it "constituted"?

- II. What are the essential features of the courts and judicial process?
 - A. Organization of the courts
 - B. Training legal professionals
 - C. Procedure

- III. How is the subject of civil rights handled?
 - A. Civil liberties
 - B. Gender issues, disabilities
 - C. Substance abuse
 - D. Victimless crime

- IV. What are the essential features of the systems of law enforcement and corrections?
 - A. Organization and structure of the police
 - B. Police-community relations
 - C. Corrections philosophy
 - D. Corrections methods
 - E. Law and morality

Requirements

The course grade will be based upon four essay/research papers on one country from each of the geographical areas and addressing the four topic areas listed above. Each of these essays counts for 20% of the grade. An additional 20% will be based upon class participation.

Papers should be between five and ten pages but may be longer. Papers are due on the last day of that unit of the course.

Attendance is mandatory. Three absences will be allowed. Additional absences will result in a 5% grade reduction per absence.

Calendar

Part 1 - January 26-28 The Study of Comparative law
(Chapters 1-2)

Part 2 - February 2-25 Europe
(chapters 3-5)

Part 3 - March 2-18 Africa
(chapters 6-8)

Part 4 - March 23-April 8 Middle East

Part 5 - April 13-May 8 Asia
(chapters 10-13)