1. **Title of the module**

LAWS5220 (LW522): Comparative Law

1. **School or partner institution which will be responsible for management of the module**

Kent Law School

1. **The level of the module (e.g. Level 4, Level 5, Level 6 or Level 7)**

Level 6

1. **The number of credits and the ECTS value which the module represents**

30 credits (15 ECTS Credits)

1. **Which term(s) the module is to be taught in (or other teaching pattern)**

Autumn and Spring

1. **Prerequisite and co-requisite modules**

Previous study of ‘LAWS3130 A Critical Introduction to Law’ and ‘LAWS5880 Public Law I’ is required.   
Exchange students may be permitted to register for this module at the discretion of the module convenor, subject to appropriate prior study.

1. **The programmes of study to which the module contributes**

All single and joint honours undergraduate law programmes

1. **The intended subject specific learning outcomes.  
   On successfully completing the module students will be able to:**
   1. Demonstrate a thorough understanding of the current theoretical debates within the field of comparative law;
   2. Demonstrate a systematic ability to engage critically with the various, and at times conflicting, methods informing comparative law;
   3. Demonstrate a detailed understanding of hermeneutics, deconstruction and translation studies as these movements pertain to the study of comparative law;
   4. Demonstrate critical sensitivity to the cultural embeddedness of legal comparisons;
   5. Demonstrate a sound understanding of the conditions under which legal ideas travel between different legal cultures;
   6. Systematically identify legal problems arising in various legal cultures which can be better understood and sometimes even resolved through the recourse to law;
   7. Demonstrate a thorough understanding of the economic, political and/or social implications arising from the application of various theories informing law.
2. **The intended generic learning outcomes.  
   On successfully completing the module students will be able to:**
   1. Undertake guided and independent research by taking into account a variety of sources of information;
   2. read carefully and efficiently both legal and non-legal texts;
   3. Demonstrate argumentation skills;
   4. Engage critically with legal and non-legal sources in writings;
   5. Present material with proper citations and use of references.
3. **A synopsis of the curriculum**

In the current context of globalization, postcolonialism and transnationalism, not to mention the Europeanization of laws, every law student in the UK will almost inevitably encounter foreign law in the course of his or her professional life. For one thing, the legislator shows itself more and more open to the influence of foreign legal ideas in the legislative process. Also, appellate judges increasingly refer to foreign law in the course of their opinions. Further, private parties often enter into legal arrangements, such as contracts or wills, presenting an international dimension. In sum, nowadays, foreign law is everywhere and cannot be circumvented.  
  
This module intends to provide law students with the necessary intellectual equipment allowing them to approach any foreign law (not only European laws) in a meaningful way. In particular, the module will heighten students’ sensitization to the specificity of foreign legal cultures and encourage them to reflect in depth upon the possibilities and limits of cross-border interaction in the law. Another feature of this module will be a critical introduction to hermeneutics, deconstruction and translation studies with specific reference being made to law as these lines of thought are most relevant for comparatists. Throughout the course, concrete examples will be developed from a range of different national laws.

1. **Reading list (Indicative list, current at time of publication. Reading lists will be published annually)**

* Stephen Breyer, *The Court and the World* (New York: Alfred A. Knopf, 2015).
* Günter Frankenberg, *Comparative Law as Critique* (Cheltenham: E. Elgar, 2016).
* Simone Glanert (ed.), *Comparative Law – Engaging Translation* (London: Routledge, 2014).
* Patrick Glenn, *Legal Traditions of the World, 5th ed.* (Oxford: Oxford University Press, 2014).
* Vicky C. Jackson, *Constitutional Engagement in a Transnational Era* (Oxford: Oxford University Press, 2010).
* George Ritzer and Paul Dean, *Globalization: A Basic Text, 2nd ed.* (Oxford: Wiley-Blackwell, 2015).
* Geoffrey Samuel, *An Introduction to Comparative Law Theory and Method* (Oxford: Hart, 2014).
* Mathias Siems, *Comparative Law* (Cambridge: Cambridge University Press, 2014).
* Konrad Zweigert and Hein Kötz, *An Introduction to Comparative Law, transl. Tony Weir, 3rd ed.* (Oxford: Oxford University Press, 1998).

1. **Learning and teaching methods**

* Total study hours: 300
* Contact hours: 30
* Private study hours: 270

1. **Assessment methods.**

13.1 Main assessment methods

The module will be assessed by 100% coursework as follows:

* 1. A short paper, 2000 words, 20% of the final mark.
  2. A short paper, 2000 words, 20% of the final mark.
  3. A short paper, 1000 words, 20% of the final mark.
  4. An essay, 3000 words, 40% of the final mark.

13.2 Reassessment methods

The module will be reassessed by retrieval instrument (100% coursework). The reassessment will test all of the module learning outcomes.

1. **Map of module learning outcomes (sections 8 & 9) to learning and teaching methods (section 12) and methods of assessment (section 13)**

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Module learning outcome** | 8.1 | 8.2 | 8.3 | 8.4 | 8.5 | 8.6 | 8.7 | 9.1 | 9.2 | 9.3 | 9.4 | 9.5 |
| **Learning/ teaching method** |  |  |  |  |  |  |  |  |  |  |  |  |
| Private Study | X | X | X | X | X | X | X | X | X |  | X | X |
| Lectures | X | X | X | X | X | X | X |  |  |  |  |  |
| Seminars | X | X | X | X | X |  |  | X | X | X | X | X |
| **Assessment method** |  |  |  |  |  |  |  |  |  |  |  |  |
| Essay 1 (20%) | X | X |  | X |  | X | X | X | X | X | X | X |
| Essay 2 (20%) | X | X | X | X |  | X | X | X | X | X | X | X |
| Essay 3 (20%) | X | X | X | X | X | X | X | X | X | X | X | X |
| Essay 4 (40%) | X | X | X | X | X | X | X | X | X | X | X | X |

1. The School recognises and has embedded the expectations of current equality legislation, by ensuring that the module is as accessible as possible by design. Additional alternative arrangements for students with Inclusive Learning Plans (ILPs)/declared disabilities will be made on an individual basis, in consultation with the relevant policies and support services.

The inclusive practices in the guidance (see Annex B Appendix A) have been considered in order to support all students in the following areas:

**a) Accessible resources and curriculum**

1. Preference will be given to electronic resources that meet minimum accessibility standards and support the use of assistive technologies.
2. Module outlines will be made accessible at least four weeks before the module starts.
3. Prioritised reading lists will be made available sufficiently in advance to accommodate the provision of alternative formats and support those with a slow reading speed.
4. Lecture/seminar slides/outlines will be made available in electronic format in advance to allow all students to prepare (particularly students with notetaking difficulties).
5. In accordance with the KLS school-level statement on Lecture Capture, lectures will be recorded to assist notetaking unless one or more of the lectures contains sensitive material. The module convenor will notify students in advance of any lectures that will not be recorded.

**b) Learning, teaching and assessment methods**

The inclusive practices in the guidance (Annex B Appendix A, section b(1) and (2)) have all been considered in order to support all students in their assessments on this module.

1. **Campus(es) or centre(s) where module will be delivered:**

Canterbury

1. **Internationalisation**

This module intends to provide law students with the necessary intellectual equipment allowing them to approach any foreign law (not only European laws) in a meaningful way. In particular, the course will heighten students’ sensitization to the specificity of foreign legal cultures and encourage them to reflect in depth upon the possibilities and limits of cross-border interaction in the law. Throughout the course, concrete examples will be developed from a range of major Western laws.

**FACULTIES SUPPORT OFFICE USE ONLY**

**Revision record – all revisions must be recorded in the grid and full details of the change retained in the appropriate committee records.**

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| --- | --- | --- | --- | --- |
| Date approved | Major/minor revision | Start date of the delivery of revised version | Section revised | Impacts PLOs (Q6 & 7 cover sheet) |
| 25/01/2018 | Major | September 2018 | 6, 8-14, 17 | No |
|  |  |  |  |  |