

LEGAL SYSTEMS IN COMPARATIVE PERSPECTIVE (GOVT 273)
St. Lawrence University

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Course Description

This course will comparatively examine the legal institutions and judicial processes of the United States, England, France and Scotland. In doing so, the course explores the two dominant legal systems found in the world today: the civil law system (inquisitorial) and the common law system (adversarial). The former system is in use throughout most of Europe and former European colonies. The latter system is found England and English colonies, including the United States. Based in London, this course will begin by comparatively analyzing the common law systems of England and the United States. Next, we will explore the civil law system found in France. The course will conclude with an examination of the unusual Scottish “mixed” legal system, which employs elements of both common and civil law systems. Though the course will focus on an examination of common law and civil law systems, we will also briefly consider two additional legal systems in widespread use: religious law (Islam) and customary law (primarily African nations).

Topics Covered

- Structure and organization of legal systems
- Underlying principles of the legal systems
- Modes of legal education and training
- Role and selection of judges
- Lawyers and the legal profession
- Criminal and civil trial processes
- Role of juries laypersons in the justice system
- Judicial review and the relationship of courts to other political institutions

Course Activities

We will be examining the topic through seminar discussions, direct observations of courts in session, meetings with practitioners (lawyers, judges, students, etc.), discussions with experts and visits to additional legal and political institutions. Please refer to the tentative list of field activities/visits for each location on the following page.

Course Assignments

Students will undertake a number of assignments and assessments including: course reading and independent research, class presentations, class debates, brief essays and an exam. Most of the student work is designed to prepare the group for site visits or provide an opportunity to undertake a comparative analysis of aspects of the legal systems. Though certainly not necessary, students may wish to start/complete some of the readings and assignments before travelling abroad, allowing more time to explore our travel destinations.

Tentative Itinerary

London: July 12 - July 23

Paris: July 24 – July 28

Edinburgh: July 29 – August 1

London: August 2

Tentative List of Activities/Site Visits*

London

Courts

Old Bailey (Central Criminal Court)

Royal Courts of Justice (Civil Court)

Supreme Court of United Kingdom (educational tour and meeting with a Judicial Assistant)

Judicial Committee of the Privy Council

Other Legal Institutions/Actors

Educational Tour of the Inns of Court

Lincoln's Inn Visit (includes visit with a barrister and an apprentice)

Observation of the Appellate Committee of the House of Lords

Meeting with member of the Crown Prosecution Service

Paris

Courts

Constitutional Council - *Conseil Constitutionnel* (constitutional court)

Court of Cassation - *Cour de Cassation* (judicial trial, appellate and high court)

Council of State - *Conseil d'Etat* (administrative law high court)

Other Legal Institutions/Actors

Investigating Magistrates

French National School for the Judiciary - *l'Ecole nationale de la magistrature*

Paris Bar Association

Scotland

Courts

Court of Session (Civil Court) or High Court of Justiciary (Criminal Court)

Scottish Court Service (includes educational tour and meeting with a Justice)

Edinburgh High Court

The Sheriff Court (trial court)

Other Legal Institutions/Actors

Law Society of Scotland

University of Edinburgh (legal education in a mixed system)

Judicial Studies Committee (judicial training)

**This is only a list of possible site visits for each location. The itinerary will be finalized as the trip nears. The visits listed for the London portion of the course are all very likely. The Paris and Scotland excursions will include a selection from the possible field visits listed.*