Syllabus

Comparative Jurisprudence: Rights and Sentiments in a Globalizing Legal Culture
Taught by
Jean-Marc Coicaud (jeanmarc.coicaud@rutgers.edu)

26:478:587:01
Spring 2013

Summary of the course: The course focuses on jurisprudence that is the study and theory of law from a comparative perspective. It starts by analyzing law from a theoretical standpoint and continues by examining it through history and cross-cultural perspectives. On this basis, which offers a general understanding of law and jurisprudence, the course addresses issues of law/jurisprudence in a comparative fashion, especially in the contemporary context. Taking as an entry point the nature and dynamics of rights and duties and their relations with sentiments in a world going through a process of increasing globalization, it analyzes some of the key aspects of law taken from Europe, the United States, Latin America, and Asia. The course ends with exploring what the central questions studied throughout the semester mean for the future of law, both nationally and internationally.

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Session I (January 22, 2012 5:00pm-8:00pm): Introduction to the course
Bibliography:

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Session II (January 29, 2012 5:00pm-8:00pm): Jurisprudence as theory of law (I)
Bibliography:
-Raz, Joseph, Between Authority and Interpretation (Oxford, UK: Oxford University Press, 2009),
Chapters 2, 5 (pp. 17-46, 126-165)

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Session III (February 5, 2012 5:00pm-8:00pm): Jurisprudence and theory of law (II)
Bibliography:
- Shapiro, Scott, _Legality_ (Cambridge, MA: Harvard University Press, 2011), Chapters 6, 7, 12, 14 (pp. 154-233, 331-352, 388-400)

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Session IV (February 12, 2012 5:00pm-8:00pm): Law across cultures
Bibliography:
- Peter de Cruz, _Comparative Law in a Changing World_ (London: Cavendish Publishing Limited, 1999), Chapters 1, 2 (pp. 1-42)

-Foblets, Marie-Claire and Renteln, Alison Dundes (eds.), _Multicultural Jurisprudence. Comparative Perspectives on the Cultural Defense_ (Oxford, UK: Hart Publishing, 2009), Chapters 4, 5, 6, 7 (pp. 85-173)

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Session V (February 19, 2012 5:00pm-8:00pm): The evolution of law in history
Bibliography:
- Sinha, Surya Prakash, _Jurisprudence. Legal Philosophy_ (St Paul, MI: West Publishing, 1993), Chapters 2, 3, 4, 6, 7, 8 (pp. 7-137, 172-245)

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Session VI (February 26, 2012 5:00pm-8:00pm): Jurisprudence in a comparative perspective
Bibliography:
- MacKinnon, Catharine A., _Are Women Human? And Other International Dialogues_ (Cambridge, MA: Harvard University Press, 2006), Chapters 1-13 (pp.17-138)

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Session VII (March 5, 2012 5:00pm-8:00pm): Rights and sentiments and the cultures of law
Bibliography:
- Sajo, Andras, _Constitutional Sentiments_ (New Haven, CT: Yale University Press, 2011), all chapters

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Session VIII (March 12, 2012 5:00pm-8:00pm): Law and sentiments in Europe (France, the United Kingdom, Germany, Netherlands, and Spain)
Bibliography:
-Furet, Francois, *The Passing of an Illusion: The Idea of Communism in the Twentieth Century* (Chicago, IL: University of Chicago Press, 1999), Chapter 1 (pp.1-33)


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MARCH 16-22-SPRING BREAK

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Session IX (March 26, 2012 5:00pm-8:00pm): Law and sentiments in the United States
Bibliography:
-Tocqueville, Alexis de, *Democracy in America and Two Essays on America* (London, UK: Penguin Books, 2003), Part I Chapter 8 (pp. 521-523), Part II Chapters 1-18 (pp. 583-640), Part III Chapters 1-5, 11, 12, 16-19, 21 (pp. 649-671, 689-700, 710-734, 737-750)

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Session X (April 2, 2012 5:00pm-8:00pm): Law and sentiments in Latin America (Chile and Argentina)
Bibliography:

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Session XI (April 9, 2012 5:00pm-8:00pm): Law and sentiments in Asia (Japan and China)
Bibliography:

-Peer enboom, Randall, *China’s Long March Toward Rule of Law* (Cambridge, United Kingdom: Cambridge University Press, 2002), Chapters 2, 3, 11 (pp. 27-125, 513-557)

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Session XII (April 16, 2012 5:00pm-8:00pm): National law and international law
Bibliography:

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Session XIII (April 23, 2012 5:00pm-8:00pm): From comparative jurisprudence to the future of law
Bibliography:
- Berman, Paul Schiff, *Global Legal Pluralism: A Jurisprudence of Law Beyond Borders* (Cambridge, UK: Cambridge University Press, 2012), Chapters 4-6 (pp. 128-194)

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Session XIV April 30, 2012 5:00pm-8:00pm): Review

*Requirements:*
. Attendance is obligatory. If a student misses more than three classes without good reason, he or she will be unable to get credits for the course.
. Each session will be of 3 hours (from 5pm to 8pm on Tuesdays), divided in two parts: one part will consist of reviewing the readings, with presentations by students and questioning of students; the second part will consist of lecturing and feedback.
. Readings for each session are mandatory before class. Students should expect to be asked about the readings in class.
. Active participation is required in class and represents 30% of the final grade. A final paper of 4,000 words is required at the end of the class for the final grade. The first draft of the paper will be due by April 16. Based on the feedback provided by Professor Coicaud, the students will finalize their paper by May 7 at the latest.