

LAWS 3011 COMPARATIVE LAW: LEGAL SYSTEMS OF THE WORLD

Credit Points 10

Legacy Code 200529

Coordinator Rehan Abeyratne ([https://directory.westernsydney.edu.au/search/name/Rehan Abeyratne/](https://directory.westernsydney.edu.au/search/name/Rehan%20Abeyratne/))

Description The subject introduces students to the different legal systems of the world and to the study of comparative law. It covers the common law and civil law traditions, taxonomies of comparison, major political systems, modes of judicial review, and the protection of human rights. The course will draw on a range of case studies including Australia, major Western democracies (like the United States, France, and United Kingdom), as well as several countries in the Global South, including India, South Africa, and Mexico. It aims to provide an understanding of legal systems have developed in particular legal and cultural contexts. We will study the systems of both at the general level and in relation to specific laws, with an emphasis on comparative constitutional law. The subject is also concerned with the nature and function of comparative law as a discipline. Students will be encouraged to undertake individual research and to evaluate legal information derived from a variety of different sources and perspectives.

School Law

Discipline Law, Not Elsewhere Classified.

Student Contribution Band HECS Band 4 10cp

Check your fees via the Fees (https://www.westernsydney.edu.au/currentstudents/current_students/fees/) page.

Level Undergraduate Level 3 subject

Pre-requisite(s) LAWS 2013 AND
LAWS 4015 AND
LAWS 2004 AND
LAWS 2003

Learning Outcomes

On successful completion of this subject, students should be able to:

1. Explain the general structure of selected legal systems, their historical and cultural context, and selected laws within those systems
2. Compare and contrast selected legal systems and laws with the common law system and Australian laws
3. Explain the nature and function of comparative law as a discipline
4. Produce critical arguments about selected legal systems and about comparative law as a tool for gaining knowledge
5. Demonstrate high-level communication and research skills

Subject Content

1. Introduction to Comparative Law and the Comparative Law Project
2. Comparative Methods
3. Civil law and Common Law Traditions
4. Comparative Law Taxonomies and their Critique
5. Comparative Constitutions and Legal Families

6. Presidential and Semi-Presidential Systems
7. Parliamentary Systems
8. Courts in Comparative Perspective
9. Indigenous legal systems, including those of Aboriginal and Torres Strait Islander peoples
10. Freedom of Speech/Expression in Comparative Perspective
11. Right to Education in Comparative Perspective
12. Right to Choice (Abortion) in Comparative Perspective
13. LGBTQ+ Rights in Comparative Perspective

Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Type	Length	Percent	Threshold	Individual/ Group Task
Participation	Ongoing, throughout semester	10	N	Individual
Essay	2000 words	45	N	Individual
Essay	2000 words	45	N	Individual

Prescribed Texts

- Siems, Mathias, *Comparative Law* (Cambridge University Press, 3rd ed, 2022)

Teaching Periods

Spring (2024) Online

Online

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View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS3011_24-SPR_ON_2#subjects)