

[前画面へ戻る](#)

学部・大学院区分 Undergraduate / Graduate	法学部
時間割コード Registration Code	0380070
科目区分 Course Category	専門科目 Specialized Courses
科目名 【日本語】 Course Title	比較法Ⅰ（英米法）（E）
科目名 【英語】 Course Title	Comparative Law I (Common Law) (E)
担当教員 【日本語】 Instructor	MCGINTY Sean Michael ○
担当教員 【英語】 Instructor	MCGINTY Sean Michael ○
単位数 Credits	2
開講期・開講時間帯 Term / Day / Period	秋 木曜日 4時限 Fall Thu 4
対象学年 Year	3年 3
授業形態 Course style	講義 Lecture

授業の目的 【日本語】 Goals of the Course(JPN)	
授業の目的 【英語】 Goals of the Course	<p>This course offers an introduction to the common law world and its legal systems. The common law is one of the major legal traditions of the world which exists in countries which historically received their legal system from the United Kingdom. This includes countries such as the United States, Canada, Singapore, India, Australia, New Zealand and others. These countries together make up one of the two major legal traditions in the world, the other being the continental civil law system used in Europe and much of the rest of the world, including Japan.</p> <p>The course focuses both on the overall features of the common law as a system - its historical origins, the legal profession and how the court process works - and on specific areas of substantive law. With regard to the latter it is primarily focused on private law - the legal rules which govern relations between private individuals. This includes areas such as contract law, employment law, property law, trusts and torts. The realm of public law - the legal rules which govern the relationship between private individuals and the state such as criminal law - will be briefly touched upon.</p>
到達目標 【日本語】 Objectives of the Course(JPN)	
到達目標 【英語】 Objectives of the Course	The course intends to provide students with an understanding of the historical origins of the common law system, how it develops rules and responds to changing social, economic and other demands placed on it, and how lawyers and judges in common law systems use the law to approach disputes that people in society encounter with each other. As a comparative class, the different approaches used among different common law countries and in countries in the civil law world will be highlighted.
授業の内容や構成 Course Content / Plan	<ol style="list-style-type: none"> <li>1. Introduction</li> <li>2. The comparative study of law</li> <li>3. The history of the common law in England: 1066 to 1875</li> <li>4. The spread of the common law to other countries</li> <li>5. The legal profession</li> <li>6. The court process</li> <li>7. Mid Term Exam</li> <li>8. The law of contract</li> <li>9. Employment law</li> <li>10. The law of tort 1</li> <li>11. The law of tort 2</li> <li>12. Property law 1: personal property</li> <li>13. Property law 2: real property</li> <li>14. Equity</li> <li>15. Review</li> </ol>
履修条件・関連する科目 Course Prerequisites and Related Courses	None, though the course is only open to third year and above students.
成績評価の方法と基準 Course Evaluation Method and Criteria	<p>50% Mid Term exam 50% Final exam</p> <p>The final grade in the course will be a letter grade based on the above results. In order to pass the course it is necessary to receive a passing grade on both the mid term and final exams.</p>
教科書・テキスト Textbook	There is not required textbook for the class, reading materials will be distributed online via the course's NUCT page in the "resources" tab.
参考書 Reference Book	<p>Though not required reading those interested in learning in more detail about the history of the common law may find this book useful:</p> <p>J.H. Baker, An Introduction to English Legal History (Oxford, 2019 5th edition)</p> <p>For those interested in learning more about specific areas of American law, the eLangdell Press offers an excellent array of FREE textbooks on various areas which are very useful and I do recommend them. You can browse their selections here: <a href="https://www.cali.org/the-elangdell-bookstore">https://www.cali.org/the-elangdell-bookstore</a></p>
課外学習等 (授業時間外学習の指示) Study Load(Self-directed Learning Outside Course Hours)	I recommend that you do the readings each week and come to class prepared to discuss them. The classes will be mostly lecture based but I do encourage class participation and I try to make room in each for some discussion.
注意事項 Notice for Students	I think this is a great course for anyone interested in learning the basics of how the law works in most of the English speaking part of the world. I try to make the classes fun and hope you will both enjoy them and learn something in them.
授業開講形態等 Lecture format, etc.	
遠隔授業（オンデマンド型）で行う場合の追加措置 Additional measures for remote class (on-demand class)	At the moment this syllabus was composed (July, 2021) it is still unclear what the Covid 19 situation will be like when the course starts in October. In principle I would like to teach the class in person if that is possible, though if there are students who are unable to attend (for example if they are unable to enter Japan), then I will make accommodations to allow for remote learning as well.

[前画面へ戻る](#)