**Comparative Law II: The Common/Civil Law Divide (Lecture)**

The class Comparative Law II – The Common/Civil Law divide will focus on the Common/Civil Law divide and in particular compare aspects of the legal system in Germany on the one hand, and Australia/the United States on the other hand. Methodological differences between the Civil law and the Common law systems will be pointed out, and subjects of particular importance for daily business, such as formation of contracts, agency, contract interpretation etc., will be treated in greater detail.

The course has three main components. The first part of the course will consider the origins and utility of comparative law, its aims, tools and methods. The second part of the course will review and analyse the two main legal traditions in the world, Common Law and Civil Law. The objective will be to understand differences and similarities between these two ways of understanding law and organizing legal institutions and procedures, on the other hand. In this context, an overview on the differences with regard to the rule of law, judicial review and the legal profession will be provided. The third part of the course will focus upon applying comparative legal analysis to actual cases and international disputes and show how the results differ depending on which legal order is applied.

         Basic features, tools and methods of comparative law

         Development and current status of Common Law as a legal family

         Development and current status of Civil Law as a legal family

         The education and role of lawyers

         Judges and judiciaries, lay judges and juries

         Legal reasoning

         Statutes and their construction

         Judicial precedents

         Particular legal institutions and instruments in a comparative assessment

**Learning target:**

**Learning outcomes and qualification goals:**  
The course Comparative Law II constitutes the basis for all M.C.B.L. courses in the area International  
& Comparative Business Law (taught in Mannheim during the Spring-Summer-Term). It deals with nature, technique and purpose of legal comparison both from a theoretical and from a practical point of view, but with a particular focus on the differences and common features of the world’s two major  
legal families, Civil law and Common law. In doing so, it supplements and further enhances the content of the course Comparative Law I (taught during the Fall-Winter-Term). The aim is to provide students with the necessary analytical background allowing them to carry out sophisticated comparative legal analysis in their respective further fields of studies, and make them familiar with the most important aspects of the proverbial (but sometimes overstated) “Common/Civil Law divide”.