

Prof. Dr. Alexander Trunk

Vorlesung / Course

Einführung in die Rechtsvergleichung
Introduction to Comparative Law

Winter term (WS) 2015-2016

<http://www.eastlaw.uni-kiel.de>

20.10.2015: Basic questions and structures of comparative law

27.10.2015 Basic structures of comparative law (contd.)

03.11.2015: Methods of comparative law

10.11.2015: Legal families (overview)

17.11.2015: German legal family (deutscher Rechtskreis)

24.11.2015: French legal family

01.12.2015: Anglo-American legal family

08.12.2015: The legal systems in Northern and Eastern Europe

15.12.2015: Legal systems in Asia. Religious laws (overview)

12.01.2016: Islamic law

19.01.2016: Contracts law

26.01.2016: Torts law

02.02.2016: Property law (Sachenrecht) (*date under reservation*)

09.02.2016: Civil procedure and arbitration

16.02.2016: Free topic

Tasks of comparative law

- **Scientific function**
- **Forensic-practical function**
- **Legislative function**

Problem of guiding interests and and expected outcomes, in particular in case of „legal transplants“/processes of „reception“ of foreign law

Jurisprudence of comparative law

- Jurisprudence in different countries as object of comparative research. *Internet! Translation?*
- Foreign or comparative law in national or international jurisprudence: e.g. ECJ. „IPRspr.“ (German courts), law journals.
- See also „IPG“ (expert opinions of German universities on foreign law) and comments on jurisprudence.

Veröffentlicht im Auftrag des Deutschen Rates für Internationales
Privatrecht von Prof. Dr. Dr.h.c. Jürgen Basedow, Prof. Dr. Dagmar
Coester-Waltjen und Prof. Dr. Heinz-Peter Mansel

IPG – Gutachten zum internationalen und ausländischen Privatrecht



Historical sketch

- Aristoteles, Platon
- Middle Ages: universalist legal orders
- Modern Ages: natural law doctrine; rise of comparative law in the 19th century:
 - = Comparative law as an instrument of legal politics (e.g. AGHGB 1861)
 - = 1846 Chair of comparative criminal law at Paris Sorbonne University
 - = 1869 foundation of the Société de législation comparée
 - = J. Story, W. Burge, W. Mittermaier, J.-J. Foelix
- Intensive use of comparative law since mid 20th century (UN suborganisations, EU and others).



Joseph Story



Ernst Rabel



Katharina Boele-Woelki
Präsidentin der Int'l Academy
of Comparative Law



René David

Neighbouring disciplines

- History of law
- Sociology of law
- Economic analysis of law
- Legal politics (e.g. unification of law)
- Private international law (including procedure)
- Others, e.g. legal ethnology, legal philosophy