

COMPARATIVE LAW  
FINAL EXAM  
PROF. REYNOLDS  
SPRING 1994

INSTRUCTIONS

This is a take-home exam. It consists of 4 essay questions. You are to answer two of the questions. You must confine your answers to one bluebook. You may write on both sides of a page. If you choose to type your answers you are limited to twelve double-spaced pages. Please take time to organize and plan your answers. You may refer to your personal notes and your textbook. You are not to discuss the exam with other people. Your answers are due no later than 3:00 P.M. on May 12, 1994. Keep in mind that one of the rules of this exam is that you are required to enjoy this glorious exercise in communication.

I

Explain the civil law idea of a code and how it is implemented by civil law judges and contrast this with our ideas about codes and statutes and their implementation. What might we learn from the civil law in this regard and how might this be applied to our federal constitution?

II

The other day I had a conversation with a faculty colleague in which he indicated that the civil law systems were vastly different from our common law system in both theory and practice. Explain how you would respond to my colleague's statement after having completed the comparative law course.

III

Compare and contrast the theory and practice of judicial review of governmental action in the U.S., France, and Germany.

IV

Compare and contrast the U.S. approach to standardized contracts and the effects of unforeseen conditions on contracts with that of the German Courts. Which seems more in line with the needs and purposes of the 20th Century regulatory or welfare state?

V.

From a sociological perspective write an essay criticizing the movement in western countries to allow divorce at will and to reject spousal support. Include in your answer how child support, child custody, and property division are intimately related to the principle of no spousal support.