FINAL EXAM COMPARATIVE LAW PROF. REYNOLDS SPRING 1997

INSTRUCTIONS

This is a take-home exam. There are five questions. You are to answer two of the five questions. If you type your answers, you are limited to 14 double-spaced pages. If you hand-write your answers, you are limited to 20 bluebook pages. A bluebook page is one side of a page. You may use your personal class notes and your textbook. You are not to discuss the questions with any other person. The last requirement is that you are ordered to enjoy this serendipitous exercise in communication.

I

If you were asked, "What is the subject matter of comparative law?", how would you respond? Discuss this question fully in the light of the course you have just taken. Include in your answer a discussion of whether the authors of the text, Glendon et al, successfully implemented their vision of comparative law.

Π

Compare and contrast our common law theory and practice of judicial interpretation of cases, statutes, and codes with the theory and practice of interpretation of these same materials in civil law systems. Include in your discussion of the "politics of interpretation".

Discuss the concept of the western European Legal Tradition and whether our common law tradition should be considered part of the Western European Legal Tradition. In your answer include a discussion of the concept of history and its implications in regard to the concept of Western European Legal Tradition.

IV

The authors of the text suggest that the common law and civil law traditions are converging especially in the 20th Century. Explain this convergence and its foundations.

V

Discuss what features, substantive and procedural, of the German Legal System might be worth incorporating into our common law system.