

UNIVERSITE DE FRIBOURG

FACULTE DE DROIT

LLM IN CROSS-CULTURAL BUSINESS PRACTICE

ACADEMIC YEAR 2020-2021

**LEGAL DIVERSITY TODAY:
SELECTED ASPECTS OF CONTRACT AND LIABILITY LAWS**

ON THE COMMON LAW-CIVIL LAW DIVIDE

PIERRE LEGRAND

Outline and Readings

(All documents below can be downloaded from
<www.pierre-legrand.com> at the page <LLM in CCBP>.)

Monday, 21 September (Afternoon)/Tuesday, 22 September (Morning)

How to Compare Now

[no assigned reading]

The Common-Law Mind

Adams v. New Jersey Steamboat Co., 45 N.E. 369 (N.Y. 1896).

McBoyle v. United States, 43 F.2d 273 (10th Cir. 1930), 283 U.S. 25 (1931).

Tuesday, 22 September (Afternoon)

More Than One Model

Civ. 3d, 17 December 1997, D.1998.111 [in French and in English translation].

Fitzpatrick v. Stirling Housing Association, [2001] 1 A.C. 27 (H.L.).

Saturday, 26 September (Morning & Afternoon)

Precedent As Politics

Ramos v. Louisiana, 590 U.S. ____ (2020).

Optional Additional Reading

Pierre Legrand and Geoffrey Samuel, *Introduction au common law* (La Découverte ["Repères"], 2008);

Pierre Legrand, *Le Droit comparé*, 5th and final ed. (Presses Universitaires de France ["Que sais-je?"], 2015).

Note: Those who prefer to conduct their optional additional reading in English may want to select from the following texts:

Pierre Legrand, "Jameses at Play: A Tractation on the Comparison of Laws", (2017) 65 *American Journal of Comparative Law* [Special Issue] 1-132;

Id., "Siting Foreign Law: How Derrida Can Help", (2011) 21 *Duke Journal of Comparative and International Law* 595-629;

Id., "Foreign Law: Understanding Understanding", (2011) 6/2 *Journal of Comparative Law* 67-177;

Geoffrey Samuel, *A Short Introduction to the Common Law* (Elgar, 2014);

Peter Goodrich, *Reading the Law* (Blackwell, 1986);

Frederick Schauer, *Thinking Like a Lawyer* (Harvard University Press, 2009);

Paul W. Kahn, *Making the Case* (Yale University Press, 2016);

Karl N. Llewellyn, *The Bramble Bush* (Oxford University Press, 2008 [1960]).

•