COMPARATIVE LAW: COMPARATIVE LEGAL SYSTEMS
INT 7407 01

Syllabus
Spring 2026

Professor Xiaoyu Zhang

Class Schedule: Tuesdays and Thursdays 9:55AM - 11:10AM
Class Location: Oakes Hall 211
Office: Debevoise 313
Phone: 802-831-1142
Email: xzhang@vermonlaw.edu

Office Hours: Meetings with Prof. Xiaoyu Zhang in person: Thursdays 11:30AM-12:30PM, by appointment. You can also schedule one-on-one meetings, in person, or virtually.

Teaching Assistant:TBD
Office Hours: By appointment.

SYLLABUS

Course Description:

This course introduces the theory and practice of Comparative Law and offers reference tool for legal professionals facing international legal problems outside their own area of expertise, with the focus on international transactions, and environmental law.

Comparative Law is a discipline. Unlike most other legal disciplines, Comparative Law is not a body of rules and principles. Comparative law is not the knowledge of existing different laws, but rather, knowledge of how to understand and deal with such laws of different legal systems. This course includes three elements of comparison: macro-comparison (the understanding of whole legal systems and families of such systems), micro comparison (the understanding of specific legal rules or solutions), and methodology and theory.

This course comprises three parts: the nature, history, and sources of comparative law; the methodology for comparative law and comparative legal systems with different traditions; and an introduction to Global Comparative Law with examples of legal solutions adopted on a reginal, international, and transactional level.

While Comparative Law is believed somewhat more theoretical than other discipline, which will be explained in the first two parts of this course, the practical use of comparative law will also be offered in this course, especially in international transactions, and environmental law. questions like “Can courts use foreign materials in deciding cases?” “How practicing legal professionals use comparative law in practice?”, will be discussed.

Course Learning Objectives:

Successful completion of this course will enable students to:

- Demonstrate a general understanding of the major legal traditions of the world, with particular emphasis on the classical distinction between civil law and common law
- Demonstrate an understanding of principal methodological considerations in comparative law
- Demonstrate the understanding of integrative and contrastive comparison between different legal systems
- Build up comparative law researching skills, and the capability to use databases and portals to access legal resources in key foreign jurisdictions
- Have a general understanding of the mechanisms through which foreign law may be introduced and considered in the U.S. courts
- Have a basic understanding of international legal practice and the general resources that are available to lawyers confronted by international legal issues, especially in international transactions, and environmental law
- Complete a legal research writing project in comparative law

Course Materials:

1. **Text book**: Ugo Mattei, Teemu Ruskola & Antonio Gidi, SCHLESINGER'S COMPARATIVE LAW, 7th ed. (2009).
2. **Supplemental materials**: all the supplemental materials can be found on Canvas under this course.
3. **Electronic books**: Our Vermont Law and Graduate School Library provides a good collection of books on Comparative Law. There are multiple Free Study Aids resources available via West Academic.
4. **Useful Databases**:
   - https://libguides.vermontlaw.edu/FCIL/overview International and Foreign Law research guides and useful website through VLGS Library resources.

   - VLGS Library Databases , especially recommend
     - HeinOnline.org
     - Foreign & International Law Resources Database - HeinOnline.org
     - Foreign Law Guide
     - China Law Info (English and Chinese)

   - World Legal Information Institute (WorldLII) World Legal Information Institute. This offers a collection of freely available full-text databases of primary sources for several countries, and a catalogue of links to lists of resources).

   - Guide to Law Online: Nations of the World - Research Guides at Library of Congress Law Library of Congress: Annotated guide to sources of information on government and law for the nations of the world).

- The Global Legal Monitor is an online publication from the Law Library of Congress covering legal news and developments worldwide. It is updated frequently and draws on information from official national legal publications and reliable press sources.

- http://www.juriglobe.ca Maps of the different legal systems of the world created by the University of Ottawa.

Course Platform: Canvas and Teams. All course materials will be uploaded on Canvas. I will attempt to stream and record all classes via Teams. We will also use Teams to share some administrative information or notification.

Class Attendance: Pursuant to Vermont Law and Graduate School (VLGS) academic regulations, students who are absent from twenty (20%) percent of the regularly scheduled classes shall be automatically withdrawn from the course with a grade of F-Wd. See VLGS attendance policy in the Student Handbook for additional information on class attendance. You are required to monitor your own compliance with this policy.

Attendance will be taken in class at the beginning of each class. If you are unable to attend class, please contact the designated TA before 5:00 PM. that day. Indicating attendance on behalf of another student or facilitating such indication is a violation of the Honor Code. If you are late for class over 15 minutes, that would count as an absence.

If you cannot attend class due to medical, religious, or other circumstances truly beyond your control, please provide the courtesy of notification no later than the following day. Though I do not have independent authority to excuse absences, your clarification is appreciated.

If additional absences are due to a disability, contact Vice President of Diversity, Equity, and Inclusion Siu Tip Lam for an accommodation request. If the additional absences are not due to a disability, contact Vice Dean for Students Stephanie Clark about the next steps.

Application of the Honor Code:

The Vermont Law and Graduate School Honor Code governs student work and conduct in this course. Whenever using the words or ideas of another writer, students must acknowledge the original source. The assignments students submit must be their own work product.

Artificial Intelligence (AI) Policy:

Generative and extractive artificial intelligence technologies, along with other computing-assisted research and drafting techniques, are certain to be central to the lives and livelihoods of professionals. AI technologies are allowed to conduct research. Generative AI[1] is not to be used in a way that would constitute academic plagiarism if the generative AI were a human author whose

[1] "Generative AI" refers to software, such as ChatGPT, that can generate original text (including research papers, exam answers, etc.) comparable in many respects to human writing. This is distinct from other forms of AI that have been commonplace for longer, such as software in familiar tools like Google and Westlaw, that facilitates the search for and extraction of information from data sources.

work was used without attribution. If Generative AI tools are used for an assignment, a disclosure statement should be included together with the assignment, including identification of the tools used, the process of using the tools, and the function of the tools used for the assignment.

Grading:

Letter grades are based on class activities, and assignments. Class activities include class preparation, attendance, participation, and exercises. Assignments will be evaluated during the whole semester with various research, writing, and analytical focus. The weight of the class participation and assignments are listed below:

- Class participation 20%
- One short paper introducing your chosen legal system 20%
- One long final paper 40%
- One paper presentation (15 minutes) 20%

More specifically:

1. Class Participation and Country Teams

Class Participation.

Class participation includes attending all classes and meetings on time, actively participating in class discussion, completing all assignments, and meeting all deadlines.

Students are expected to be prepared for class. I may call on students at random. If you are not prepared on a particular day, you may say "pass." However, if you pass, you must select another student for me to call on, and your participation grade may be affected. Class discussion, including responding to my questions and engaging with points raised by classmates, is an essential and fundamental component of this course. You are not required to provide the "correct" answer, but you are expected to participate in good faith, demonstrate respect for the classroom and your peers, and bring intellectual rigor and thoughtful engagement to class interactions and assignments.

Country Teams

Throughout the semester, students will work in teams of two to study a single country's legal system. Each team will collaborate on one joint short paper introducing that legal system. Two students will submit one paper for this assignment.

For the final paper, each student will write an individual paper, which will be submitted and graded separately. These papers should analyze how the chosen legal system would address a topic of the student's choosing. While the final papers are individual, team members are expected to collaborate during the research and preparation process. Specifically:

- Teams must meet at least once in March to exchange outlines or draft sections;
- Teams must meet at least once in April to discuss their final presentation;
- Each team must schedule at least one meeting with Professor Xiaoyu Zhang during the

semester. Please coordinate this meeting through the TA.

In-Class Presentations

- Tuesdays: One individual student will introduce an article related to their research topic to the class (approximately 5 minutes).
- Thursdays: Each team will provide a brief update on their weekly research progress (approximately 3 minutes per team).

Students presenting on Tuesdays are strongly encouraged to share the article with the class by Monday to provide context. The designated TA will coordinate the presentation schedule and assist teams and individual students as needed.

2. Short Paper: Introduction to a Legal System

Due: February 27, 2026, at 5:00 p.m.

This assignment is a short paper introducing the legal system of a single country other than the United States. The paper should provide essential background for your final paper, including:A brief history of the development of the legal system; The constitutional structure (or absence thereof); Sources of law; and the structure of the legal system. The paper should be no more than seven pages (double-spaced, 12-point Times New Roman), plus one page of bibliography.

3. Long Final Paper

First draft due: April 9, 2026, at 5:00 p.m.
Final version due: May 7, 2026, at 5:00 p.m.

The final paper applies the methodologies, techniques, and comparative approaches learned during the semester to a substantive comparative legal research project. The paper must involve a comparison of at least two countries' legal systems. The paper should be no fewer than 20 pages and no more than 25 pages (double-spaced, 12-point Times New Roman).

4. Final Paper Presentation

Each student will present their final paper during the last week of class (April 23, 2026). While the paper may still be a work in progress at that time, it should be substantially complete and close to final form.

<u>Class schedule</u> (Subject to changes)

Introducing comparative law	Class 1: 1/13 Introduction. - No readings.
	Class 2: 1/15 1. Mathias Siems, *The Power of Comparative Law: What Types of Units Can Comparative Law Compare*? American Journal of Comparative Law, December 2019. Available on Canvas
- Comparative law and the neighboring Discipline - Comparative law in practice (functions)	Class 3: 1/20 1. *Schlesinger's Comparative Law:* Pages 2, 7-16 (bottom of page), 42-47
	Class 4: 1/22 1. *Schlesinger's Comparative Law:* Pages 48-68
- Tools of Comparative Law: The Common Core - The Common Core in Practice: Good Faith	Class 5: 1/27 1. *Schlesinger's Comparative Law:* Pages 95-109
	Class 6: 1/29 1. *Schlesinger's Comparative Law:* Pages 109-118
- International and Comparative Law Research - Contrastive Comparison: Structure and Language - What Shapes Legal System: Diffusion of Law	Class 7: 2/3 - *Schlesinger's Comparative Law:* Pages 144 - 163
	Class 8: 2/5 - Guest lecture: Professor Jennifer Sekula: how to do international and comparative law research
	Class 9: 2/10 1. *Schlesinger's Comparative Law:* Pages 177-190
- What Shapes Legal System: Legal Transplant - At the Roots of the Western Legal Tradition	Class 10: 2/12 1. *Schlesinger's Comparative Law:* Pages 223-230, 237-248, 258-267
	Class 11: 2/17 1. *Schlesinger's Comparative Law:* Pages 310-323,330-341
- Roman Law as a Common Western Heritage - Development of French and German Law - Codification: Sources of	Class 12: 2/19 1. *Schlesinger's Comparative Law:* Pages 341-348, 351-362
	Class 13: 2/24 1. *Schlesinger's Comparative Law:* Pages 384-424

Law, System and Organization of the Codes	
- Codes: How They Change - Codes Worldly - Codes: Comparing Tort Liability	Class 14: 2/26 1. *Schlesinger's Comparative Law:* Pages 428-441, 444-455 **Country Team Short Paper Due February 27, 5:00 p.m.**
3/2-3/6 Spring Break -No Class	