



**UNIVERSITÄT
HEIDELBERG**
ZUKUNFT
SEIT 1386

Foundations of Anglo-American Law

Faculty of Law,
University of Heidelberg

Course Syllabus

Summer Semester 2021

Instructor: Dr. Martin Jarrett



MAX PLANCK INSTITUTE
FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW

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Introduction

Welcome to 'Foundations of Anglo-American Law'.

In this course, you will be introduced the core areas of Anglo-American law. Through this process, you will not only be exposed to the workings of another legal family, but you will also learn about the distinctive legal concepts and legal doctrines in the 'common law world' and gain a knowledge of its vocabulary of legal terms.

Overview of Course Content

The course content is divided between the following substantive parts:

- Fundamentals of Anglo-American Law
- Anglo-American Public Law
- Anglo-American Criminal Law
- Anglo-American Tort Law (Part 1)
- Anglo-American Tort Law (Part 2)
- Anglo-American Property Law

A summary of each part is provided below.

Fundamentals of Anglo-American Law

'Fundamentals of Anglo-American Law' will introduce you to the workings of the legal system which operates in the Anglo-American world: the common law. We cover the history, legal sources, and legal infrastructure (courts, judges and lawyers). Further, the most peculiar feature of the common law is considered, namely, the doctrine of precedent.

Anglo-American Public Law

After introducing the areas of law that make up 'Anglo-American public law', we will study the constitutional law of the United Kingdom and the United States. The goal of these studies is to highlight the differences between German constitutional law and, most particularly, the constitutional law of the United Kingdom.

Anglo-American Criminal Law

In 'Anglo-American Criminal Law', after covering some of the basics of this area, we will focus on learning about the legal elements of one crime: murder. After this, our focus will be more procedural. We will specifically look at the role of juries in criminal trials. Over two weeks, we will cover Anglo-American Tort Law. In addition to looking at the fundamentals of tort law, we will study the tort of negligence. The focus is on understanding how the various legal elements of this tort are applied to fact scenarios.

Anglo-American Tort Law (Part 1)

'Anglo-American Tort Law' is divided between two parts. In this first part, after giving a working definition of a 'tort' and highlighting the distinction between 'intentional torts' and the 'tort of negligence', we will begin our focus on the intentional torts. We will cover the torts relating to the person and torts concerning property.

Anglo-American Tort Law (Part 2)

Given its overwhelming importance in tort law, Part 2 is dedicated to the tort of negligence. After covering its history and noting the concerns that there were regarding the potential for this tort to create indeterminate liability, we will study its various elements. After this study, we can apply the tort of negligence works to some famous tort cases and assess its broader role in society

Anglo-American Property Law

Lastly, in 'Anglo-American Property Law', you will be introduced to some of the core concepts of property law in the Anglo-American law world. With this knowledge, then we will take a brief foray into 'law of succession' to understand how assets are distributed on someone's death.

Contact Details

If you have any questions relating to the course content, you are welcome to contact me via the following email address or telephone number:

jarrett@mpil.de

Please direct your emails regarding administrative matters, such as credit points for this course, to the relevant administrative officers at the faculty.

Course Contents

Part 1: Fundamentals of Anglo-American Law

1. The Idea of 'Anglo-American Law'
2. Sources of Law
 - a. Constitutional Law
 - b. Primary and Secondary Legislation
 - c. Judicial Law
3. Legal Infrastructure
 - a. Legislature
 - b. Executive
 - c. Courts
 - d. Legal Profession
 - i. Becoming a Judge
 - ii. Becoming a Lawyer
4. Doctrine of Precedent

Part 2: Anglo-American Public Law

1. 'Public Law' in Anglo-American Law
 - a. Constitutional Law
 - b. Administrative Law
 - c. Tax Law
2. Constitutional Law
 - a. British Constitutional Law
 - b. American Constitutional Law
3. History of British Constitutional Law

Part 3: Anglo-American Criminal Law

1. Fundamental Concepts in Criminal Law
2. Murder and Other Homicide-Derived Offences
 - a. Causation
 - b. Intention and Recklessness
3. Defences to Murder
 - a. Self-Defence
 - b. Assisted Suicide (consent)
4. Juries
 - a. Types of Juries
 - b. Use of Juries
 - c. Constituting a Jury
 - d. Jury Decision-Making

Part 4: Anglo-American Tort Law (Part 1)

1. Types of Torts
2. Intentional Torts Relating to the Personal
 - a. Assault and Battery
 - b. False Imprisonment
 - c. Intentional Infliction of Emotional Harm
3. Intentional Torts Concerning Property
 - a. Trespass to land

- b. Trespass to chattels
 - c. Conversion
 - d. Remedies
4. Tort of Interference with Contractual Relations

Part 5: Anglo-American Tort Law (Part 2)

- 1. History of Tort of Negligence
- 2. The Elements of Tort of Negligence
 - a. Harm
 - b. Duty of Care
 - c. Causation
 - d. Standard of Care
- 3. Defences to Tort of Negligence
- 4. Remedies

Part 6: Anglo-American Property Law

- 1. Types of Assets
 - a. Land
 - b. Goods
 - c. Intellectual Property
 - d. Legal Claims
- 2. Ownership Concepts
 - a. Freehold and Leasehold
 - b. Forms of Co-Ownership
 - c. Adverse Possession
- 3. Law of Succession
 - a. Testate Estates
 - b. Intestate Estates
 - c. Family Provision Orders

Lecture Times, Lecture Mode, Recording of Lectures, and Class Attendance

There are 15 lectures for this course. Unless I notify you otherwise, they will be held at on Wednesdays during the summer semester of 2021 (beginning 12 April 2021 and ending 23 July 2021) from 14:00 to 16:00.

The lectures will be held via Zoom. Before each lecture, the administration at the faculty will make the link and password available to you.

The lectures will be recorded and uploaded to Youtube.com. When a lecture is being recorded, the recording function should only apply to the camera on my lecture slides and the camera on me.

For the Erasmus students, class attendance is not compulsory.

For the German-law students, you have to attend 12 out of the 15 lectures to receive your 'Sitzschein'. For this purpose, when you log into Zoom to attend a lecture, please make sure that your Zoom name adheres to this format: full name and student number in brackets. For example:

Max Mustermann (1234567)

If your Zoom name does not appear as above, then you're attendance will not be recorded.

Assessment

Description

There are five assessment tasks for this course and they take the form of online quizzes. The questions in these online quizzes will test your knowledge and understanding of the content of the lectures.

Obligation to Complete Assessments

Erasmus students have to complete at least three of the online quizzes. To pass the course, their cumulative grade for all of the online quizzes that they have completed must be 50 per cent or above. For more details on the grading, see 'Grading of Assessment' below.

German-law students do not have to complete the online quizzes, although they can if they want to.

Timing

The online quizzes will take place during the following lectures:

- Online Quiz 1: Lecture 3 (Fundamentals of Anglo-American Law)
- Online Quiz 2: Lecture 6 (Anglo-American Public Law)
- Online Quiz 3: Lecture 9 (Anglo-American Criminal Law)
- Online Quiz 4: Lecture 12 (Anglo-American Tort Law (Part 1))
- Online Quiz 5: Lecture 15 (Anglo-American Tort Law (Part 2)) and Anglo-American Property Law)

You will note that the topics that the questions will relate to in a particular online quiz are stated in brackets.

Academic Integrity (Cheating)

If you cheat during the online quizzes by, for example, collaborating with other students, you will fail the course.

Grading of Assessment

Each online quiz is worth 20% of your final grade.

Your grades from each online quiz will be added together for a score out of 100 per cent. If you are an Erasmus student, your grade must exceed 50 per cent for you to pass the course.

Your percentage grade will be converted to a grade from 1,0 – 5,0 according to the following table:

97 – 100 per cent: - 18 Punkte

95 – 96 per cent: - 17,5 Punkte

93 – 94 per cent: - 17 Punkte

91 – 92 per cent: - 16,5 Punkte

89 – 90 per cent: - 16 Punkte

87 – 88 per cent: - 15,5 Punkte

85 – 86 per cent: - 15 Punkte

84 per cent: - 14,5 Punkte

83 per cent: - 14 Punkte

82 per cent: - 13,5 Punkte

81 per cent: - 13 Punkte

80 per cent:	-	12,5 Punkte
79 per cent:	-	12 Punkte
78 per cent:	-	11,5 Punkte
77 per cent:	-	11 Punkte
76 per cent:	-	10,5 Punkte
75 per cent:	-	10 Punkte
73 – 74 per cent:	-	9,5 Punkte
71 – 72 per cent:	-	9 Punkte
69 – 70 per cent:	-	8,5 Punkte
67 – 68 per cent:	-	8 Punkte
65 – 66 per cent:	-	7,5 Punkte
63 – 64 per cent:	-	7 Punkte
61 – 62 per cent:	-	6,5 Punkte
59 – 60 per cent:	-	6 Punkte

57 – 58 per cent: - 5,5 Punkte

55 – 56 per cent: - 5 Punkte

53 – 54 per cent: - 4,5 Punkte

50 – 52 per cent: - 4 Punkte

33 – 49 per cent: - 3 Punkte

17 – 32 per cent: - 2 Punkte

1 – 16 per cent: - 1 Punkt