



# Principles of Common Law

**Professor Kern Alexander and Professor Elisabetta Fiocchi Malaspina**

HS22

KOL-F-121; 12:15-13:45

The lectures will be held on Tuesday, 12.15-13.45, from 20 September 2022 until 20 December 2022  
with optional exam review session on 20 December 2022  
on Zoom as a livestream and on podcast.

<https://www.ius.uzh.ch/de/staff/professorships/alphabetical/alexander/VI/vorl/hs22/pcl21.html>

## Books:

Benjamin Cardozo, 'The Nature of the Judicial Process' (New Haven, Yale)

William Geldart, edited by DCM Yardley, 'Introduction to English Law' (Oxford Univ Press, Oxford)

Glanville Williams, 'Learning the Law' (Sweet & Maxwell, 16<sup>th</sup> edition, ed. A.T.H. Smith)

*Rogue Lawyer* (Selected readings)

## Lecture 1 (20.9.2022) – Introduction, History & General Sources, (Kern Alexander)

- Glanville Williams, chap 1 'The Division of the Law' (1-26)
- William Geldart, chap 1 (1-17)

## Lecture 2 (27.9.2022) – Case Law Method, Statutory Interpretation, Role of Judges and Juries & Criminal law (Kern Alexander)

- Glanville Williams, chap 6, 'The Case Law Technique', (95-125), chap 7 'The Interpretation of Statutes', (127-149)
- HLA Hart - Liberty, Law, and Morality pp 6-24
- Hernandez (case summary)
- *Rogue Lawyer*, pp 1-21, 47-84

## Optional:

- Benjamin Cardozo, Lectures I, II & IV (9-50; 51-97; 142-180)

## Lecture 3 (04.10.2022) – Tort Law (Kern Alexander)

- Holmes, chaps 3 & 4
- Geldart, chap 7
- Handout: Accident: in Tort and beyond
- North Broward Hospital District vs Susan Kalitan case (Florida Supreme Court)



**Lecture 4 (11.10.2022) – History of Common Law and Law of Equity (Elisabetta Malaspina)**

- Padoa Schioppa, A European History of Law, chap 26
- Padoa Schioppa, A European History of Law, chap 16
- Magna Carta

**Optional reading**

- Oliver Wendell Holmes, The Common Law, chaps 7 & 8
- Karl Llewellyn, 'The Bramble Bush', (81-89)

**Lecture 5 (18.10.2022) – Contract Law (Holly Ghelfi)**

- Introduction to Contract Law. Available at: [Introduction to Contract Law \(lardbucket.org\)](http://lardbucket.org)

**Lecture 6 (25.10.2022) – Commercial Law/Smart Contracts (Holly Ghelfi)**

- Case studies TBA

**Optional readings:**

- Baskind, Osborne, Roach, *Commercial Law*, pp. 1-17

Available at Google books (click on the cover):

[https://books.google.ch/books?id=Zd4dDAAAQBAJ&hl=de&source=gbs\\_navlinks\\_s](https://books.google.ch/books?id=Zd4dDAAAQBAJ&hl=de&source=gbs_navlinks_s)

**Lecture 7 (01.11.2022) – Property Law (Elisabetta Malaspina)**

- Geldart, chap 5
- Simon, A Slave v The State of Florida

**Lecture 8 (08.11.2022) – Wills and Trusts – Law of Succession (Elisabetta Malaspina)**

- Geldart, chap 2 (17-34)
- Hayton, chap 1
- Additional chapter: 'Introduction to trusts'

**Lecture 9 (15.11.2022) – International Law (Elisabetta Malaspina)**

- E Denza, 'The Relationship Between International and National Law' ('The USA' and 'The UK') pp. 393-409, in *International Law* (5<sup>th</sup> ed.) Malcolm D Evans (ed.)

**Lecture 10 (22.11.2022) – Corporate, Business and Anti-Trust Law (Holly Hoch)**

- 'General Corporation Laws: History and Economics', David McBride (2011) (PDF link).
- ABA, Antitrust Section, Antitrust Laws and You!, (PDF, 1 MB) 2010 (pages 8 to 22 only) (mandatory)

**Optional readings:**

- Kershaw, David, *Company Law in Context*, chap. 1, pp 3-29.
- Lina Khan, Amazon's Antitrust Paradox, 126 Yale L.J. (PDF, 761 KB) (2016)



**Lecture 11 (29.11.2022) – Constitutional Law (Kern Alexander)**

- Poole - Back to the Future? Unearthing the Theory of Common Law Constitutionalism
- Jenkins - From Unwritten to Written: Transformation in the British Common Law Constitution

**Lecture 12 (6 12.2022) – Intellectual Property and Data Privacy (Holly Hoch)**

**Readings:**

- ‘World Intellectual Property Report Intellectual Property Basics: A Q&A for Students’, China National Intellectual Property Administration (CNIPA) & World Intellectual Property Organization (WIPO); 2019. *Available at:*

[https://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_1056.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1056.pdf)

**Lecture 13 (13.12.2022) – Jurisprudence and Legal Philosophy (Kern Alexander)**

- Hart, HLA, ‘Separation of Law and Morals’, 17-37
- Dworkin, Ronald, Law’s Empire, ‘Is Law A System of Rules?’, 38-65

**Lecture 14 (20.12.2022) (Optional) Exam review** No new readings

- Review session
- We recommend that you use this time to catch up on previous readings and review previous exams
- Note: you do not need to know any case names for the exam. You should understand the relevant principles and rules from each lecture.