



Principles of Common Law

Professor Kern Alexander

HS25

10:15-12:00pm

**The lectures will be held on Mondays, 10:15-12:00, from 15 September 2025 until 15 December 2025
with an optional exam review session on 15 December 2025
Podcasts will be made available on the course website as available**

<https://www.ius.uzh.ch/de/staff/professorships/alphabetical/alexander/Lehrveranstaltungen/vorlesungen/hs25/Principles-of-Common-Law.html>

Recommended 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, 16th edition, ed. A.T.H. Smith)
- Rogue Lawyer* (Selected readings)

*** Readings will be provided on the course website, you do not need to purchase books.

Lecture 1 (15.09.2025) – Introduction to Practice, Precedent (Holly Hoch)

What is precedent?

- Practice exercise: Smartphone Case (civil vs. common law reasoning)

Optional Reading:

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

Lecture 2 (22.9.2025) – Case Law Method, Statutory Interpretation (Holly Hoch)

IRAC method. Anatomy of a case, holdings vs. dicta

- Practice exercise: Vehicles in the park

Optional Reading:

- Glanville Williams, Chapter 6, 'The Case Law Technique', (95-125), chap 7 'The Interpretation of Statutes', (127-149)



Lecture 3 (29.09.2025) – Role of Judges and Juries & History of Common Law (Kern Alexander)

Historical development of common law: civil v common law, Historical roots of Equity (Chancery courts, conscience jurisdiction); Theology of equity: fairness beyond strict law.

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

Optional Reading:

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

Lecture 4 (06.10.2025) – Tort Law and the Common Good (Kern Alexander)

Theology of harm, responsibility, and justice.

- Holmes, Chapters 3 & 4
- Geldart, Chapter 7
- Accident Law: In Tort and Beyond
- North Broward Hospital District vs Susan Kalitan case (Florida Supreme Court)

Lecture 5 (13.10.2025) – Criminal Law (Kern Alexander)

Common law criminal procedure vs. civil law inquisitorial systems

- HLA Hart - Liberty, Law, and Morality pp 6-24
- Hernandez (case summary)

Lecture 6 (20.10.2025) – – Property Law (Kern Alexander)

Common law foundations of property rights.

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

Lecture 7 (27.10.2025) Contract Law (Holly Hoch)

Theological dimension of promise-keeping and covenant.

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

Lecture 8 (03.11.2025) – Contract Law Cntd (Holly Hoch)

Markets and morality: regulating commerce in common law; Theology of fair dealing.

- Case studies/Hypotheticals Discussed in class

Optional Reading:

- 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



Lecture 9 (10.11.2025) – Wills and Trusts – Law of Succession (Kern Alexander)

Mortality, inheritance and legacy.

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

Lecture 10 (17.11.2025) – International Law (Kern Alexander)

Universal law and justice.

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

Lecture 11 (24.11.2025) – Constitutional and Public Law (Kern Alexander)

British Constitution, US Constitution and Judicial review

- 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 (1.12.2025) – IP and Recap (Holly Hoch)

The Ethics of Business, Theology of Economic Justice.

- '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

Lecture 13 (8.12.2025) – Jurisprudence and Legal Philosophy (Kern Alexander)

Natural law revival in common law thought.

- Hart, HLA, 'Separation of Law and Morals', p 6-24
- Dworkin, Ronald, "Law's Empire" p. 31-44

Lecture 14 (15.12.2022) (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.