



# 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 (opinion)
- *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 (Kern Alexander)**

- 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 Hoch)**

- 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 (Kern Alexander)**

- 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.