

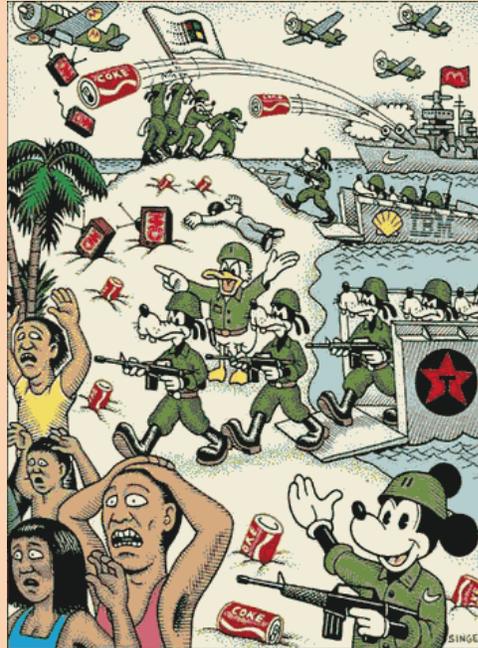
COMPARATIVE LAW

Class activities*

Class 1 September 9: Introduction



- What do you think Comparative Law is about? Why is it relevant?
- Why do you need to study Comparative Law at the undergraduate level? Do you think you can apply what you learn in this course in your career after you graduate even if you do not work as a lawyer?
- Analyze the song just played in class
 - What is the main message of the song?
 - What does globalization mean in the song? Do you agree? Why or why not?
 - What does the singer mean by “stop following the rules”?
 - Explain the references to McDonald’s?
 - What is the role of law in globalization?
 - What does the scene of the crime mean in the song?
 - Identify explicit and implicit references to the law in the song.
- Discuss the following cartoons:



Class 2 September 16: The Comparative Law Discipline

a. Identify the discipline in the following scenarios:

1. The United Nations Security Council issued a resolution allowing the invasion of Syria.
2. The Coca-Cola Company entered into an agreement with McDonalds Corporation for the sale of its products in Eastern Europe.

3. A passenger flying on Air Canada from Toronto to Prague had to connect in Frankfurt with a Lufthansa flight to go from Frankfurt to Prague. The flight from Toronto left 2 hours late; and the passenger missed the connection. He sues Air Canada.
4. The Canadian government commissioned a legal scholar a report on citizen's arrest laws in Europe and Latin America to change Canadian laws.
5. The International Criminal Court issued a warrant to prosecute Kadhafi, the Libyan leader.
6. A free-lance American journalist, who covered the Amanda Fox trials in Italy, wrote an article comparing the United States and Italian criminal trial processes, which was published in the New York Times.
7. The International Monetary Fund issued a resolution prohibiting IMF-backed loans to countries in default.
8. Tenaris, a multinational corporation with a factory in Sault Ste. Marie, purchased plastic from an Italian company with a home office in Rome, Italy.
9. Autorama, a Sault Ste. Marie used car dealer, sold a car to a customer in Los Angeles, California. The car was damaged en route to Los Angeles. The customer sues Autorama.
10. Canada Post hired a US consultant to advise on ways to better compete with American-based couriers.
11. The International Criminal Court prosecuted a war criminal.
12. A Canadian university professor published a book on Japanese law and its justice system.

b. Legal systems.

1. Draw a map of legal systems in the world.
2. Be creative!
3. Present it to the whole class.

c. Unification vs. Harmonization:

1. Define these concepts.
2. What is the difference between unification and harmonization?
3. Look for, at least, two examples of each.

d. Globalization

1. Discuss and explain the following passages in your own words.

2. Give specific examples from the text to explain the passages.

‘Globalisation’ can mean lots of different things. Glenn (2000: 47; 2004: 51) introduces the subject by saying that ‘[g]lobalization, or world domination, is usually thought of as a single process’, but immediately warns that ‘[t]he problem with this analysis of the state of the world is that there are a number of globalizations going on ... There is also, for example, globalization in the form of Islamization.’²¹ Especially from a North American perspective, it appears that globalization can easily be perceived as American domination of the world, a tempting thought for some, but what about all others?

From a Southern perspective, Doshi (2003: 352) warns: There is no signal globalization. There are several globalizations. Its *avatar* is plural, its processes are historical and its outcomes are varying. And, therefore, instead of calling it globalization, we should call it globalizations. Globalization, the world over, does not have a cakewalk. Challenges given to it are by no means ordinary. There is always a fear that the nation-state would lose its identity and importance. And, who knows, the state itself would die. There is yet another fear that the gap between the rich and the poor would increase. It is also argued that globalization is nothing short of a cultural bombardment on the developing countries by the western modernity – capitalism, industrialism and the nation-state system.

If globalization means increasing hybridization in locality-coloured and culture-specific forms worldwide, rather than uniformising homogenisation, lawyers need to be better equipped to understand the manifold pluralities within and between legal systems as complex entities with ragged boundaries. It seems that a plurality-focused understanding of globalisation challenges legocentric Western laws and questions much of what Western culture and modernity claim to stand for. Eurocentric legal theories claim universal validity while representing only a shrinking part of global humanity. Since most thinking about globalisation is still inspired by the ‘civilising mission’ approach of

the colonial period, huge mental barriers appear when people talk and write about this subject, particularly now linked to human rights (Caney and Jones, 2011).

e. Comparative Law and Canadian Courts.

1. Find, at least, 1 Supreme Court case where the Court uses Comparative Law to analyze a legal issue.
2. What countries, jurisdictions or legal traditions did the Court analyze?
3. Discuss the court's analysis. Is it a mere reference to the law of another jurisdiction? Does the court actually compare two legal systems? Or Canadian law and the law of another jurisdiction?
4. Does the court cite Comparative Law authors? Or authors that analyze foreign law?

Class 3: September 23: The Comparative Law Method



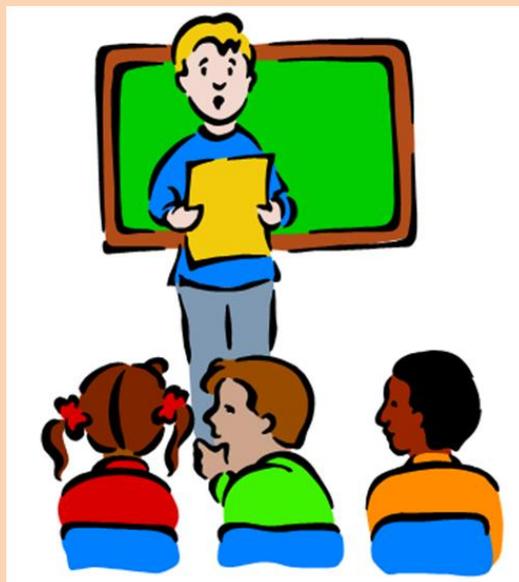
Apply the method to compare the assigned law/s between Canada and the assigned foreign jurisdiction (or between Ontario and Quebec). In some cases, you may need to narrow down the law for the purpose of your comparison. Focus your research on the foreign jurisdiction law (or Quebec law). Prepare a brief outline with the main aspects of the Canadian and foreign law for the rest of the students. Write 3 scenarios for other students to analyze. Find a video and/or a news article online to illustrate an aspect of the foreign (or Quebec) law. Prepare a short presentation on the assigned comparison.

1. Prostitution laws in Canada and France.
2. Adultery in Canada and Saudi Arabia.
3. Import of pornography in Canada and Saudi Arabia.
4. Sexual assault laws in Canada and New York.
5. Sexual harassment in Canada and Spain.

6. Murder in Canada and Germany.
7. Conspiracy in Canada and the United States (federal level).
8. Legal drinking age in Ontario and Michigan.
9. Drunk driving laws in Canada and Mexico.
10. Filiation (parentage) laws in Ontario and Quebec.

Class 4: September 30:

Preparation for presentations



Review for Test



Class 5: October 7: Civil Law

Before the Law: Discussion questions

Read Franz Kafka's *Before the Law*. It is widely available online. Discuss the following questions:

- Who is Franz Kafka? What was his education?
- What is the story about?
- What is your interpretation of the story?
- What is Kafka's opinion about access to justice? What do you know about access to justice in the civil law world?
- What does the author want to show with this story? What purpose does he seek?
- What are the main symbols in the story? What do the gate, the gatekeeper, and the man symbolize?
- What would you have done if you were the man before the law?

Read the following scene from Shakespeare's *The Merchant of Venice* and analyze it from a legal perspective:

- Summarize Act 4.
- What aspects of the civil law tradition can you identify in the play?
- What aspects, if any, of the common law tradition can you identify in the play?
- What is Shylock's conception of law?
- What is Portia's conception of law?
- What is the notion of contract in the play? What is the notion of the bond in the play?
- Analyze the method of interpretation of laws. Give specific examples from the play.
- Discuss the tension between law and equity in the play.
- Analyze Portia (as Balthazar)'s sentence from a legal perspective.
- What happens to Shylock's estate?
- Suppose Shylock hires you to appeal the sentence. Write Shylock's appeal.

Act 4. Scene 1. Venice. A court of justice.

[*The Duke, the noblemen, Antonio,
Bassanio,
Gratiano, Salerio, and others enter*]

ANTONIO I have heard
Your grace has tried hard to restrain
His rigorous course of action; but since Shylock is stubborn
And there are no lawful ways of taking me
Away from his cruel reach, I will counteract
His fury with my patience, and I am prepared
To endure, with a quietness of spirit,
His tyranny and rage.

DUKE Go and call the Jew into the court.

SALERIO He is ready at the door: he comes, my lord.

[*Enter Shylock*]

DUKE Make room, and let him stand before me.
Shylock, the world thinks, and I think so too,
That you only intend to show this malice
Until the last minute; and then it's thought
You'll show your mercy and remorse that is stranger
Than your strange apparent cruelty;
And where you now ask for the penalty,
Which is a pound of this poor merchant's flesh,
You will not only forget the penalty,
But also, touched with human gentleness and love,
Let Antonio keep some of the money he owes you;
Showing mercy because of his losses,
That have of late so huddled on his shoulders,
Enough to hold a wealthy merchant down
And get pity of his situation
From empty chests and cold hearts of stone,
From violent people who were never taught
To be tender or courteous.
We all expect a gentle answer, Jew.

SHYLOCK I have told your grace of what I intend;
And by our holy [Sabbath](#) have I sworn
To have what the [bond](#) says Antonio owes me:
If you deny me what he owes, you will endanger
Your constitution and your city's freedom.
You'll ask me why I would rather choose to have
A pound of flesh rather than to receive
Three thousand gold coins: I won't answer that:

I'll just say it's what I feel like: does that answer you?
What if my house were infested with a rat
And I were happy to spend ten thousand gold coins
To have it poisoned? Do you have your answer yet?
There are some men who don't love a roasted pig;
Some, get mad if they see a cat;
And others, when the bagpipe drones,
Cannot contain their urine: because prejudices
Are controlled by a passion that changes depending
On what it likes or hates. Now, for your answer:
As there is no firm reason to be given,
Why one man can't stand a pig;
Why another, a harmless necessary cat;
Why another, a bagpipe; but he is forced
To feel such inevitable shame
That sometimes offends, himself being offended;
So can I give no reason, and I will not,
More than a deep hatred and a certain loathing
I have for Antonio, that I'm following
This money-losing act against him.
Does this answer the question?

BASSANIO This is no answer, you unfeeling man,
To excuse the course of your cruelty.

SHYLOCK I don't have to please you with my answers.

BASSANIO Do all men kill the things they do not love?

SHYLOCK Hates any man the thing he would not kill?

BASSANIO You don't have to hate someone after one offence.

SHYLOCK What, would you have a snake bite you twice?

ANTONIO Please, remember that you're questioning the Jew:
You may as well go stand on the beach
And ask the tide to lower his usual height;
You may as well question the wolf to see
Why he has made a sheep cry for her lamb;
You may as well forbid the mountain pines
To wag their high tops and to make no noise,
When they are blown with the [gusts of heaven](#);

You may as well do anything as difficult
As to try to soften this--and what's harder than this?--
His Jewish heart: therefore, I do ask you,
Make no more offers, use no more methods,
But with all brief and plain conveniency
Let me have judgment and the Jew have his wish.

BASSANIO For your three thousand gold coins, here is six.

SHYLOCK What judgment will I dread? If each coin
Were divided in six parts and every part a coin,
I would not take them; I would have Antonio's flesh.

DUKE How will you hope for mercy, giving none?

SHYLOCK What judgment will I dread, doing no wrong?
Many of you have purchased slaves,
Which, like your donkeys and your dogs and mules,
You use in miserable and in slavish ways,
Because you bought them: should I say to you,
Let the slaves be free, marry them to your children?
Why do they sweat under burdens? Let their beds
Be made as [soft](#) as yours and let their plates
Be filled with such food? You will answer
'The slaves are ours:' so do I answer you:
The pound of flesh, which I demand of him,
Is expensively bought; it's mine and I will have it.
If you deny me, shame on your law!
There is no power in the laws of Venice.
I stand for judgment: answer; will I have it?

DUKE With my power I may dismiss this court,
Unless Bellario, an educated [doctor](#),
Whom I have sent for to determine the outcome,
Comes here today.

SALERIO My lord, outside there waits
A messenger with letters from the [doctor](#),
Who just came from Padua.

DUKE Bring us the letter; call the messenger.

BASSANIO Good news, Antonio! What, man, there's hope yet!
The Jew shall have my flesh, blood, bones and all,
Before you will lose for me one drop of blood.

ANTONIO I am a diseased sheep of the flock,
The most ready for death: the weakest kind of fruit
Drops the earliest to the ground; and so let me.
You cannot better be employed, Bassanio,
Than to stay alive and write my [epitaph](#).

[Enter Nerissa, dressed like a lawyer's clerk]

DUKE Did you come from Padua, from [Doctor](#) Bellario?

NERISSA From both, my lord. Bellario sends greetings to your
grace.

[Presenting a letter]

BASSANIO Why do you sharpen your knife so earnestly?

SHYLOCK To cut the heart from that bankrupt man there.

GRATIANO Not on the sole of your shoe, but on your soul, harsh Jew,
You make your knife sharp; but no metal can--
No, not even the hangman's axe--bear half the sharpness
Of your sharp envy. Can no prayers affect you?

SHYLOCK No, none that you have enough intelligence to make.

GRATIANO Oh, be damned, you tireless dog!
And for your life let justice be responsible.
You almost make me waver in my faith
And to agree with Pythagoras' opinion,
That souls of animals enter
Into the bodies of men: your doglike spirit
Governed a wolf, who, hanged for human slaughter,
Even from the gallows did his cruel soul flee,
And, while you laid in your unholy mother,

Entered into you; for your desires
Are wolfish, bloody, starved and ravenous.

SHYLOCK Until you can shout the signature from off my [bond](#),
You only offend your lungs by speaking so loud:
Fix your intelligence, young man, or it will fall
To incurable ruin. I stand here for law.

DUKE This letter from Bellario praises
A young and educated [doctor](#) to our court.
Where is he?

NERISSA He waits here close by,
To hear your answer, whether or not you'll admit him.

DUKE With all my heart. Some three or four of you
Go bring him here in a courteous manner.
In the meantime the court will hear Bellario's letter.

CLERK [*Reads*]

Your grace will understand that at the receipt of your
letter I am very sick: but at the moment your messenger
came, a young [doctor](#) of Rome was lovingly visiting me;
his name is [Balthasar](#). I introduced him to the matter
disputed by the Jew and Antonio the merchant. We
looked through many books together: I have told him
my opinion; which is improved with his own learning,
the greatness of which I cannot praise enough. He
comes, at my insistance, to fill up your grace's request
instead of me. Please, don't let his young age hamper
you from holding in high esteem; for I've never known
so young a person to have so old a mind. I leave him to
your gracious acceptance, and his actions will better
show you why I praise him.

DUKE You hear the educated Bellario, what he writes:
And here, I take it, is the [doctor](#) come.

[*Enter Portia, dressed like a lawyer*]

Give me your hand. Do you come from old Bellario?

PORTIA I did, my lord.

DUKE You are welcome: take your place.

Are you familiar with the dispute
That is in the court today?

PORTIA I am informed thoroughly of the issue.
Which is the merchant here, and which the Jew?

DUKE Antonio and old Shylock, both step forward.

PORTIA Is your name Shylock?

SHYLOCK Shylock is my name.

PORTIA Of a strange nature is the case you follow;
Yet technically the Venetian law
Cannot challenge you as you do proceed.
You stand within his danger, do you not?

ANTONIO Yes, so he says.

PORTIA Do you confess to having broken the [bond](#)?

ANTONIO I do.

PORTIA Then the Jew must be merciful.

SHYLOCK What makes it so I have to? Tell me that.

PORTIA The characteristic of mercy can't be forced,
It drops like the gentle rain from heaven
Onto the earth: it is twice blessed;
It blesses him that gives and him that takes:
It's strongest in the strongest: it looks better on
The throned king than his crown;
His staff shows the strength of earthly power,
It is a symbol of awe and majesty,
And it causes the commoners to dread and fear kings;
But mercy is more important than the staff's power;
Mercy is enthroned in the hearts of kings,
It is a characteristic of God himself,
And earthly power does then appear like God's

When mercy moderates justice. Therefore, Jew,
Though justice is your request, consider this,
That, in the course of justice, none of us
Should see salvation: we do pray for mercy;
And that same prayer teaches us all to include
Mercy in our actions. I have spoken like this
To moderate the justice of your request;
Which if you insist on demanding, this strict court of Venice
Must sentence the merchant there.

SHYLOCK I'll take the responsibility for my actions! I want the law,
The penalty and [forfeit](#) of my [bond](#).

PORTIA Is he not able to pay you back the money?

BASSANIO Yes, here I offer it to him in the court;
Yes, twice the sum: if that's not enough,
I will be [bound](#) to pay it ten times over,
Or I'll give up my hands, my head, my heart:
If this isn't enough, it must appear
That harmful intentions overcome truth. Please,
Use your power to distort the law this once:
Do a great right by doing a little wrong,
And stop this cruel devil from getting his way.

PORTIA It must not be; there is no power in Venice
That can change a decree established:
It will be recorded for a precedent,
And using that example, many errors
Will occur in this city: it can't be.

SHYLOCK A Daniel come to judgment! Yes, a Daniel!
Oh wise young judge, how I do honour you!

PORTIA Please, let me look at the [bond](#).

SHYLOCK Here it is, most honourable lawyer, here it is.

PORTIA Shylock, there's three times your money offered to you.

SHYLOCK An oath, an oath, I have an oath in heaven:
Should I risk damning my soul?
No, not for Venice.

PORTIA Why, Antonio has forfeited this [bond](#);
And according to the law, the Jew may claim
A pound of flesh, which he can cut off
Closest to the merchant's heart. Be merciful:
Take three times your money; ask me to rip up the [bond](#).

SHYLOCK When the [bond](#) is paid according to its exact meaning.
It appears you are a worthy judge;
You know the law, your arguments
Have been most sound: I ask you by the law,
And you're a well-deserving pillar of the law,
Proceed to the judgment: by my soul I swear
There is no power in the tongue of man
To change my mind: I'm staying with my [bond](#).

ANTONIO With all my heart, I ask the court
To give the judgment.

PORTIA Why then, it's like this:
You must get your chest ready for his knife.

SHYLOCK Oh noble judge! Oh excellent young man!

PORTIA For the intent and purpose of the law
Entirely supports the penalty,
Which is written on the [bond](#) itself.

SHYLOCK It's very true: Oh wise and righteous judge!
You are so much older than you look!

PORTIA So bare your chest.

SHYLOCK Yes, his breast:
That's what the [bond](#) says: doesn't it, noble judge?
'Nearest his heart:' those are the very words.

PORTIA It is so. Is there a scale here to weigh
The flesh?

SHYLOCK I have it ready.

PORTIA Have a [doctor](#) nearby, Shylock, at your expense,
To stop his wounds, or else he may bleed to death.

SHYLOCK Is that specified in the [bond](#)?

PORTIA It's not directly written: but so what?
It would be good for you to do so much for charity.

SHYLOCK I can't find it; it's not in the [bond](#).

PORTIA You, merchant, do you have anything to say?

ANTONIO Only a little: I am armed and well prepared.
Give me your hand, Bassanio: good bye!
Don't be sad that I have fallen to this for you;
Because in this Fortune shows herself more kind
Than usual: it is still her normal practice
To let the wretched man outlive his wealth,
To view with hollow eye and wrinkled forehead
An age of poverty; from which lingering penance
Of such misery does she cut me off.
Praise me to your honourable wife:
Tell her the process of Antonio's end;
Say how I loved you, speak of me fairly in death;
And, when the tale is told, ask her to judge
Whether or not Bassanio once had a love.
Only feel sorry that you will lose your friend,
And he doesn't repent that he pays your debt;
For if the Jew cuts deeply enough,
I'll pay your debt shortly with all my heart.

BASSANIO Antonio, I am married to a wife
Which is as dear to me as life itself;
But life itself, my wife, and all the world,
Are not with me worth more than your life:
I would lose everything, yes, sacrifice them all
Here to this devil, to save you.

PORTIA Your wife would give you little thanks for that,
If she were here, to hear you make the offer.

GRATIANO I have a wife, whom, I protest, I love:
I wish she were in heaven, so she could
Beg some higher power to change this doglike Jew.

NERISSA It's good that you offer this behind her back;
The wish would otherwise make an unquiet house.

SHYLOCK These are the Christian husbands. I have a daughter;
I wish even someone of the breeding of a thief
Had been her husband rather than a Christian!

[*Aside*] We waste time: Please, continue with the
sentence.

PORTIA A pound of that same merchant's flesh is yours:
The court awards it, and the law gives it.

SHYLOCK Most rightful judge!

PORTIA And you must cut this flesh from off his chest:
The law allows it, and the court awards it.

SHYLOCK Most educated judge! A sentence! Come, get ready!

PORTIA Wait a little; there is something else.
This [bond](#) gives you no drop of blood;
The words expressly are 'a pound of flesh.'
Take then your [bond](#), take your pound of flesh;
But, in the cutting it, if you shed
One drop of Christian blood, your lands and goods
Are, by the laws of Venice, confiscated and given
To the state of Venice.

GRATIANO Oh honest judge! Note this, Jew: Oh educated judge!

SHYLOCK Is that the law?

PORTIA You will see the act confirming this:
For, as you insist on justice, be assured
You will have justice, more than you want.

GRATIANO Oh educated judge! Note this, Jew: an educated judge!

SHYLOCK I take the offer, then; pay the [bond](#) three times
And let the Christian go.

BASSANIO Here is the money.

PORTIA Wait!

The Jew shall have all justice; wait! No hurry:
He will get nothing but the penalty from the [bond](#).

GRATIANO Oh Jew! An honest judge, an educated judge!

PORTIA Therefore get ready to cut off the flesh.
Shed no blood, and don't cut less or more
Than the pound of flesh: if you cut more
Or less than an exact pound, don't let it be so much
As makes it lighter or heavier in weight,
Or the fraction of the twentieth part
Of one small ounce, no, if the scale changes
Even the weight of a hair,
You die and all your possessions will be confiscated.

GRATIANO A second Daniel, a Daniel, Jew!
Now, infidel, I have you on the hip.

PORTIA Why does the Jew pause? Take your [forfeiture](#).

SHYLOCK Give me what I lent him, and let me go.

BASSANIO I have it ready for you. Here it is.

PORTIA He has refused it in front of the court:
He will only have justice and his [bond](#).

GRATIANO You're a Daniel, I still say, a second Daniel!
I thank you, Jew, for teaching me that word.

SHYLOCK Shall I not have barely my principal?

PORTIA You will have nothing but the [forfeiture](#),
To be taken at your [peril](#), Jew.

SHYLOCK Why, then the devil give him good of it!
I'll stay no longer to argue.

PORTIA Wait, Jew:
The law has yet another hold on you.
It is written in the laws of Venice that
If it be proven that someone who's not a citizen,
By direct or indirect [means](#),

Tries to kill any citizen
The person against whom he conspires
Will take one half his goods; the other half
Goes to the treasury of the state;
And the offender's life lies in the mercy
Of the duke only, and no one else's opinion matters.
I say you are in this predicament;
For it appears, by what has just happened,
That indirectly and directly too
You have conspired against the very life
Of the defendant; and you deserve
The punishment I just explained.
So get down and beg for mercy from the duke.

GRATIANO Beg that you can have permission to hang yourself:
And yet, since your wealth has been given to the state,
You don't have enough money left to buy a rope;
Therefore you must be hanged at the state's expense.

DUKE So you will see the difference of our spirits,
I pardon you your life before you ask for the pardon:
For half your wealth, it is Antonio's;
The other half comes to the general state,
But if you're humble we may change this to a fine.

PORTIA Yes, for the state, but not for Antonio.

SHYLOCK No, take my life and all; pardon not that:
You take my house when you take the prop
That sustains my house; you take my life
When you take the means with which I live.

PORTIA What mercy can you give him, Antonio?

GRATIANO A free rope; nothing else, for God's sake.

ANTONIO If the duke and all the court want
To forget the fine for one half of his belongings,
I am happy; so he will let me have
The other half of his belongings, to give it,
When he dies, to the gentleman
That recently stole his daughter.
I'll do this favour on two conditions.
He should immediately become a Christian;

And he should promise a gift on the record
Here in the court, of everything he owns when he dies,
To give his son Lorenzo and his daughter.

DUKE He will do this, or else I will take back
The pardon that I just gave him here.

PORTIA Are you content, Jew? What do you say?

SHYLOCK I am content.

PORTIA Clerk, draw a deed of gift.

SHYLOCK Please, give me permission to go from here;
I am not well: send the deed after me,
And I will sign it.

DUKE You can go, but do sign it.

GRATIANO In christening you will have two god-fathers:
Had I been judge, you would have had ten more,
To bring you to the gallows, not to a piece of paper.

[Shylock exits]

DUKE Sir, I invite you home with me for dinner.

PORTIA I humbly do ask your grace to pardon me:
Tonight I must go to Padua,
And it is necessary I leave shortly.

DUKE I am sorry that you're don't have some free time.
Antonio, thank this gentleman,
For, in my mind, you owe him a lot.

[The Duke and his train exit]

BASSANIO Most worthy gentleman, my friend and I
Have, because of your wisdom, been saved today
Of horrible penalties; in payment for this,
Three thousand gold coins, owed to the Jew,

We freely repay your courteous trouble with this.

ANTONIO In addition, we will be indebted to you
In love and duty forever.

PORTIA He is well paid that is well satisfied;
And I, saving you, am satisfied.
Therefore, I consider myself well paid:
I never use my mind just to make money.
Please, recognise me when we meet again:
I wish you well, but now I'll go.

BASSANIO Dear sir, I must try harder to convince you:
Take some souvenir of us, as a tribute,
Not as a fee: grant me two things, please,
Not to deny me, and to pardon me.

PORTIA You press me far, and therefore I will agree.

[To Antonio]

Give me your gloves, I'll wear them for your sake;

[To Bassanio]

And, for your love, I'll take this ring from you:
Do not draw back your hand; I'll take no more;
And because of your love, you won't refuse me.

BASSANIO This ring, good sir, unfortunately it is a trinket!
I will not shame myself to give you this.

PORTIA I will have nothing else, just this;
And now I think I really want it.

BASSANIO More depends on this ring than its value.
The most expensive ring in Venice I will give you,
And find it by publically announcing I want to buy one:
Only for this, please, pardon me.

PORTIA I see, sir, you are generous in your offers.
You taught me first to beg; and now I think
You teach me how a beggar should be treated.

BASSANIO Good sir, this ring was given to me by my wife;
And when she put it on, she made me promise
That I should neither sell nor give nor lose it.

PORTIA That excuse helps many men save their gifts.
An if your wife isn't a mad-woman,
And knows how much I deserved the ring,
She would not stay your enemy for ever,
For giving it to me. Well, peace be with you!

[Portia and Nerissa exit]

ANTONIO My Lord Bassanio, let him have the ring:
Let his desert and my love
Be worth more than your wife's demand.

BASSANIO Go, Gratiano, run and catch up to him;
Give him the ring, and bring him, if you can,
To Antonio's house. Go! Hurry!

[Gratiano exits]

Come, you and I will go there soon;
And early in the morning we will both
Hurry toward Belmont. Come, Antonio.

[They exit]

Class 6: October 14: Test



Class 7: October 21: Comparative Law in Action

- Choose a civil law jurisdiction and compare some aspects of its food laws to Canadian law.
- Choose two jurisdictions and compare their labour laws.

- Find a video on YouTube –or a similar site- dealing with a legal problem in a foreign jurisdiction. Analyze the legal problem and compare it to Canadian law.
- Do a microcomparison of the following legal issues between the following common law jurisdictions. Prepare a short presentation.
 - Canada and New Zealand: immigration of skilled workers and professionals
 - Canada and Australia: marriage
 - Canada and New York: divorce
 - Canada and California: adoption
 - Canada and England: sexual assault

Classes 8: October 28: Law Reform

Law Reform Scenarios

1. Write a private bill to reform an aspect of either Canadian criminal law or private law other than any of the topics in the tasks below. For your project, do a Comparative Law analysis of, at least, two civil law jurisdictions.
2. Analyze the following description of a law reform experience in Indonesia. Do a web search to get more information. Explain what happened in Indonesia.

Donor experience with Indonesia provides a telling example of how not to go about law reform. As part of a package of conditionalities Indonesia accepted for IMF, World Bank, and other major donor loans and aid packages following its financial crisis in 1997–98, Indonesia agreed to adopt substantial bankruptcy law revisions and to set up a commercial court of specially trained judges to handle bankruptcies. International investors and creditors of Indonesian companies that were insolvent certainly looked to these reforms for assistance in resolving huge outstanding debts. They were to be sorely disappointed. While the substantive bankruptcy law reforms were good, the judges appear to have misapplied them, for reasons of incompetence, corruption, or attitude, almost entirely for the benefit of the debtors. The donors should have anticipated that there would be enormous pressure from potential losers, that is, Indonesian debtor companies and their owners, to avoid further losses, and that the Indonesian courts, which had been long co-opted by regime interests and cronies, would, for whatever reason, side with debtors. Had the donors realised this, they would likely have chosen some different path for debt resolution.

3. Read the following abstract and outline the main aspects of the radical reform of the law on rape and other sexual offences. You need to come up with your own law based on the principles delineated in the abstract.

The Scottish Law Commission has recently presented proposals for radical reform of the law on rape and other sexual offences. Two fundamental principles informing these proposals are (i) the need for the law to promote and respect a person's sexual autonomy; and (ii) protection of people who are vulnerable to sexual exploitation. Giving practical effect to these principles involves the detailed elaboration of a positive, co-operative model of consent to sexual activity, and setting out a comprehensive statutory code of offences designed to protect children and people with mental disorder from inappropriate sexual activity. Consideration will also be given to the question whether the law on sexual offences needs to reflect principles other than respecting autonomy and protecting the vulnerable, such as legal moralism. In addition other values or strategies for reforming the law on sexual offences (such as promoting clarity in the law and removing distinctions based on sexual orientation) will be examined.

4. Keileo Island

KEILEO ISLAND



Several years ago a new island emerged in the Pacific Ocean. The mild weather and rich environment attracted people to Keileio Island from all over the world. By early 2009 over 50,000 people had moved to the island. Forty percent of the population is of Hispanic origin, thirty percent is of Arab origin and twenty percent is from the US and English Canada. In the beginning, people believed in peace and harmony. Those attracted to the island were individualists who sought a place with minimal government and few regulations. In 1988 Keileo Island was recognized as a state. As the population has grown, problems have arisen because of the diversity in the social and legal norms that each group adhered to.

The English speaking population complained that Hispanics and Arabs did not follow common law rules for commerce, contracts, and other business transactions. Hispanics –strongly influenced by Roman Catholic Church principles- and Anglos strongly disapproved of Arab tradition of multiple wives. Arabs, in turn, rejected the notion of private property of the English and Spanish speaking populations. In September 2009, the white English speaking minority staged a coup of state against the tripartite government made up of a representative of each ethnic group. The coup of state failed, but a large percentage of English speaking Keileans planned a referendum to secede from the rest of Keileo. As advisor to the government, you need to come up with a plan for private law reform so as to avoid new tensions among the three ethnic groups. Please discuss what law reform method you suggest for the implementation of the reform. Draft also an agenda of possible content of private law, taking into account the diverse population of the Island.

Class 9 November 4: Foreign Legal Research



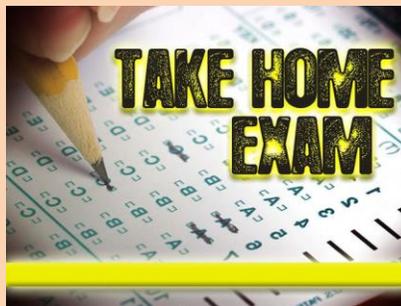
Class 10 November 11: Presentations



Class 11 November 18: Presentations



Class 12 November 25: Presentations and distribution of final take-home



Class 13: December 2: Submission of final take-home



*** TRIGGER WARNINGS**

Some materials in this course may be sensitive. Course materials, including lectures, class activities, hypotheticals, scenarios, examples, court cases, and films shown in class, may have

mature content, including violent, sexual, and strong language content. Except for newspaper articles and court cases, all class activities are hypothetical and fictitious. Any resemblance to actual persons, institutions, or events is purely coincidental. The views and opinions expressed in the articles assigned for reading in this course are those of the authors and do not necessarily reflect the position of the course professor. Questions, follow-up questions, examples, and comments made within the context of class activities do not purport to reflect the opinions or views of the course professor. All such articles, comments, questions, examples, and activities are meant solely to facilitate the discussion and study of Law. They are not meant to advocate or promote any crime or unlawful action. Neither are they meant to advance any ideological perspective. Discretion advised before signing up for this course.