

The Teaching of Comparative Law under “European influence”

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The European context created by the European Union and the Council of Europe changes the way we understand and teach Comparative Law in two ways. First, with the development of a specific European level of Law, the comparison introduces three levels of Law: National, International and European. Students, scholars (as well judges and lawyers) have an obligation to articulate solutions provided by national, international and European systems. This articulation requires a “global comparison”. Second, with the development of a specific European level of Law, the paradigm of the comparison changes in Europe. Comparison becomes more and more “practical” and less and less “abstract”. As a matter of fact, the circulation of a national interpretation of the decisions of the ECJ & ECHR influences other European countries (for example: an interpretation of the ECJ in an English context has an impact on the application of French Law).

Comparison is becoming a necessity. We need it to understand the impacts of of European Law on the national systems. The teaching of comparative law under “European influence” has pushed the development of new curricula, breaking the frontiers and forcing academics to think outside their jurisdictions. Many new courses and schemes have appeared to close the gap between the reality of the europeanisation and the dogmatism of national feelings. The new developments highlight the dialectic between universality and particular in which comparative law facing the European dynamic comes as a solution, a key.

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