Comparative Law

Single subject and programme course

7.5 credits

Tre rättssystem - komparativ rätt

747A21

Valid from:

Determined by
The Quality Board at the Faculty of Arts and Sciences

Date determined
2008-12-20

Revision date
2014-12-15

Main field of study
Commercial Law

Course level
Second cycle

Advancement level
A1X

Course offered for
- Master Programme in Commercial and Business Law
- Master´s Programme in Commercial and Business Law with focus on Europé

Entry requirements
For admission to the course, required apart from general entry requirements is that the specific entry requirements concerning English, social studies and the Swedish language that apply for admission to the business law programmes are satisfied, and that the following courses/course parts (or the equivalent) are completed: Commercial and Business Law, Theories and Methods of Law, Public and EEC/EU Law, Contract, Tort and Insurance Law and additional courses/course parts comprising at least 37.5 HE credits in commercial and business law, or equivalent. Documented knowledge of English equivalent to Engelska B/Engelska 6: internationally recognized test, e.g. TOEFL (minimum scores: Paper based 575 + TWE-score 4.5, and internet based 90+TWE-score 20), IELTS, academic (minimum score Overall band 6.5 and no band under 5.5), or equivalent.

Intended learning outcomes
After completing the course, students will be able to
- To describe either the BGB or the Civil Code respectively “Zivilprozessordnung” or the “Nouveau Code de Procédure Civile”
- Or to describe the specific method of argumentation used in the legal systems of the "common law", particularly with regard to "torts" and to describe the basics of the English civil procedure in court
- Apply the legal method called legal comparativism and sketch the difficulties associated with its use
- Account for the Swedish national legal system in the abovementioned respects and that a certain goal can be achieved by different legal means, differences due to divergancies in historical, economic and social conditions in general.

Course content

Based on the legal systems of four countries systems concerning time bars for legal claims (German, French, English and Swedish law) there are outlooks in two directions: first, into the civil law regarding the ways in which a claim may rise, claims which are subject to limitation, and in procedural law. Legal proceedings are of course a prerequisite for an objection concerning the application of a time bar. From a civil law point of view ways are studied in which a claim may arise. The claim will have its roots in private law, especially the law of torts and the objection concerning limitation will concern limitation of private law claims.

Teaching and working methods

In the beginning of the course a subject will be given, in consultation with the students, to be illuminated from the civil and procedural aspects of the course. Further, the students has as a first initial task to read texts of legal literature to obtain an understanding of the problems associated with the comparative method. The initially given topic is broken down into smaller parts, which are investigated by the students, who in conclusion join the different texts into a memorandum, which will illuminate the initially given topic. Students meet once a week with the teacher for a review of the texts, which are the outcome from the previous week's work. The answers found are discussed and a comparison is made between the legal systems which are in focus for the memorandi , with those this particular student has not based his or her work on. As the number of students is small, the course manager's intention is to provide students with the opportunity to influence the course design.

Examination

Examination is organized through seminars, assignment (s) and writing memorandi.

Students failing an exam covering either the entire course or part of the course twice are entitled to have a new examiner appointed for the reexamination.

Students who have passed an examination may not retake it in order to improve their grades.

Grades

Three-grade scale, U, G, VG

Other information

Planning and implementation of a course must take its starting point in the wording of the syllabus. The course evaluation included in each course must therefore take up the question how well the course agrees with the syllabus. The course is carried out in such a way that both men´s and women´s experience and knowledge is made visible and developed.

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Department

Institutionen för ekonomisk och industriell utveckling