

Student registration number (Matrikelnummer):

Name:

Date: 7. March 2023



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Comparative Law

Exam

Exercise: Please answer the following questions in English using **complete sentences**. The exam is be divided into three parts – note the back. Please note that each part must be **independently passed** in order to receive a **positive grade** overall.

Part 1

40/80 p

- 1. Please explain the main characteristics of and differences between Common law and Civil law systems.**

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2. Describe the different forms of divorce around the globe. Which legal solution do you prefer and why?

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- 3. On what arguments and constitutional law clauses/provisions is the famous ruling in Obergefell v. Hodge, in which the U.S. Supreme Court granted all citizens the right to enter into same-sex marriages, based? Additionally, please list three other states that permit same-sex marriages as well as three that do not.**

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4. Berta wants to give Albert her bicycle as a present; Albert agrees. Have Berta and Albert thereby concluded an enforceable contract under A) French and B) English law? Please substantiate your answers.

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a. Felix and Paul conclude a valid contract for the transfer of ownership of Felix's watch. The watch, however, remains with Felix.

- French law
- German law
- English law

b. Felix sells and delivers Paul his watch as he thought they concluded a valid contract. In fact, however, the contract was null and void from the beginning.

- Swiss law
- French law
- German law

a. Felix sells and transfers a watch to Paul. Paul is not aware that the watch is actually not owned by Felix, but belongs to his best friend Julia, who has merely lent it to Felix.

- Italian law
- Swiss law
- English law

Part 2

20/80 p

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1. When designing comparative constitutional research, what kind of Small-N-Study might be useful in order to analyse and discuss certain design elements in more detail – for example those of a specific institution? Substantiate why this method might be useful. Explain and illustrate the method, using a specific example.

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2. Compare the powers of (European) monarchs and republican presidents with regard to the legislative process as well as the formation of a government, using the example of UK or Belgium on the one hand side and the US or Austria on the other.

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Part 3

20/80 p

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1. Which tort systems are recognized in Europe and which solution do Sections 1293 seqq. ABGB subscribe to?

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- 2. Please describe the connection between the mailbox rule and the revocability of an offer according to English law. How does Austrian law differ?**

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