Name:

Date: 21. November 2023



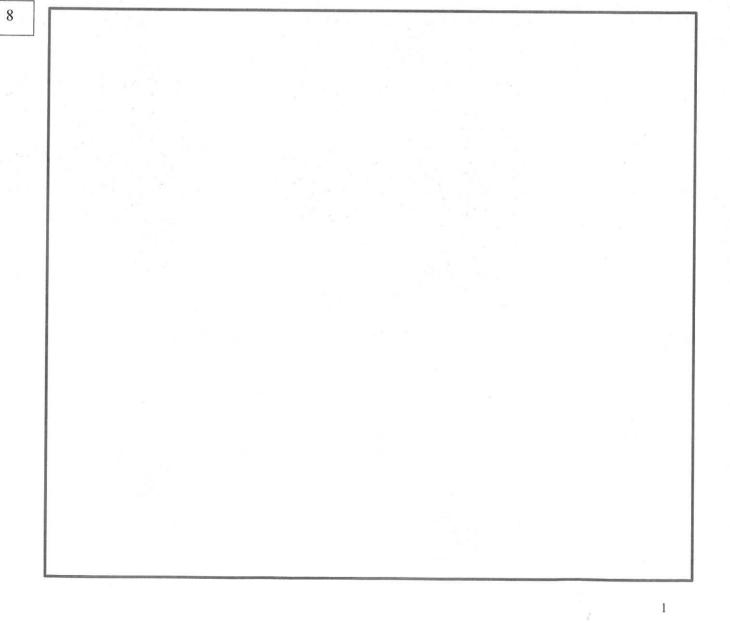
Comparative Law

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. Choose two civil law systems discussed in the lecture and explain the differences between them. Give an example of a situation where these systems reach different conclusions.



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2. Why does common law provide for damages as a general consequence of breach of contract, whereas civil law systems require performance in kind? How do the two systems converge?

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3. Imagine you were working at UNCITRAL and you were asked to propose a uniform law of torts that would apply worldwide. This should be (1.) concise and easy to read, (2.) efficient in the application of the law, and (3.) reflect the result (not the wording) of the different national legal systems. Draft a text in German! This should only take into account the different legal traditions to the extent that they do not conflict with objectives (1.) to (3.). Justify and explain your draft!

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4. Please explain why there is a lower tendency for individuals to have their disputes resolved by state courts in the Asian legal system than, for example, in the German legal system.

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5. Please ti	ck the jurisdictions that would allov	w the transfer of property in the following
cuses.	*	
	elix and Paul conclude a valid contra atch. The watch, however, remains	nct for the transfer of ownership of Felix's with Felix.
	☐ French law	
	☐ Austrian law	
	☐ English law	
		th as he thought they concluded a valid ct was null and void from the beginning.
	☐ Swiss law	
	☐ French law	
	☐ German law	
ac		Paul. Paul is not aware that the watch is longs to his best friend Julia, who has
	☐ Spanish law	
	☐ Swiss law	
	☐ English law	
Part 2 20	0/80 p	
V		
	he concept and idea of un-amend Germany and India.	able constitutional law, discussing the
a contract of		

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Name: Date: 21. November 2023 2. Explain the differences between electoral systems based on the majority principle and the principle of proportional representation, using a characteristic example for each of these systems (for instance UK and Austria). Discuss the potential advantages and disadvantages of these electoral systems					
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and the principle of proportional representation, using a characteristic example for each of these systems (for instance UK and Austria). Discuss the potential advantages and disadvantages of these electoral systems	Date: 21. Nover	mber 2023		Wie	en
	and the pr each of the	rinciple of proportional rep ese systems (for instance UI	oresentation, using a K and Austria). Discus	characteristic exar	mple for
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Part 3 20/80	p		
	ntrast existing solutions on (mother) su omy thereof. Motivate and explain your		the outline
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Student registration number (Matrikelnummer): Name: miversität wien Date: 21. November 2023 2. "Exorbitant jurisdiction is a contradiction in terms. For, while a state can assume 10 any adjudicative jurisdiction it deems fit, the jurisdiction never exceeds the confines of that stat's territory." Please discuss this statement.