

Student registration number (Matrikelnummer):

Name:

Date: 30. Juni 2023



## Comparative Law

Exam

Exercise: Please answer the following questions in English using **complete sentences**. The exam is 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.

10

Student registration number (Matrikelnummer):

Name:

Date: 30. Juni 2023



universität  
wien

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

8

A large empty rectangular box for writing the answer to question 2.

Student registration number (Matrikelnummer):

Name:

Date: 30. Juni 2023



universität  
wien

- 3. 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.**

9

Student registration number (Matrikelnummer):

Name:

Date: 30. Juni 2023



**4. Please tick the jurisdictions that would allow the transfer of property in the following cases:**

6

**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

10

**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.**

Student registration number (Matrikelnummer):

Name:

Date: 30. Juni 2023



universität  
wien

10

**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.**

Student registration number (Matrikelnummer):

Name:

Date: 30. Juni 2023



universität  
wien

**Part 3**

20/80 p

**1. Tort Law**

12

- a. Which two broad legal systems can be recognized from a comparative law perspective also in regard to tort law?
- b. Which two different tort systems are recognized in both legal systems? What is the underlying thought/reasoning (not function!) of each system?
- c. Which solution do Sections 1293 seqq. ABGB / Art. 2043 Italian Civil Code / Art. 1902 Spanish Civil Code / Art. 1240 French Civil Code subscribe to?

Student registration number (Matrikelnummer):

Name:

Date: 30. Juni 2023



universität  
wien

A large, empty rectangular box with a black border, intended for the student to provide their registration number, name, and date.

Student registration number (Matrikelnummer):

Name:

Date: 30. Juni 2023



universität  
wien

8

**2. Please explain the concept of exorbitant jurisdictions and show examples how it could be implemented. Are there any issues in regard to exorbitant jurisdictions?**