

Faculty of Law

Course Catalogue

Summer Semester 2023

Albert-Ludwigs-Universität Freiburg



UNI
FREIBURG



Summer Semester 2023: Law (April 17th 2022 - July 22th 2023)

Modules	ECTS: "kleine SL"/ attendance + minutes, presentation etc.	ECTS: "große SL" attendance + exam
Courses held in German with supplementary English material + exam:	2	4
Europarecht / Prof. Dr. Starski (<i>European Law</i>)	2	4
Rechtsvergleichung / Prof. Dr. von Hein (<i>Comparative Law</i>)	2	4
Völkerrecht I / Prof. Dr. Vöneky (<i>Public International Law</i>)	2	4
Grundfragen der Philosophie und der Theorie des Rechts / Prof. Dr. Vöneky (<i>Fundamental Questions of Jurisprudence and Legal Theory</i>)	2	4
Courses held in English:		
English Legal Terminology II / N.N. (<i>Englische Rechtsterminologie (II)</i>)	2	4
Introduction to Chinese Law / Prof. Dr. Bu (<i>Einführung in das chinesische Recht</i>)	2	4
Continental Traditions in Jurisprudence / Rodrigo Cadore	-	6
Total: up to		34

ECTS explanation: The reception of ECTS is always connected to the submission of a certain performance. Within the "kleine Studienleistung", this can be a minutes or a presentation in addition to the regular physical participation. Please get in contact directly with the professor at the beginning of the course.

Regarding the "große Studienleistung", regular participation is always followed by an examination (written or oral).

You can always obtain either the minor academic achievement or the major academic achievement for a course, but never both at the same time.



Courses held in German with supplementary English material

European Law (2/4 ECTS)

- **Vorlesung**

Es handelt sich um die Einführungsvorlesung zum Europarecht zum Recht der Europäischen Union (EU) auf der einen und dem Recht der Europäischen Menschenrechtskonvention (EMRK) auf der anderen Seite. Im Zentrum stehen dabei: die Entwicklung der europäischen Integration, der institutionelle Rahmen der EU, der Charakter des Unionsrechts als supranationales Recht, das Verhältnis von nationalem und supranationalem Recht; das Rechtsquellen- und das Rechtsschutzsystem des Unionsrechts, die EU-Grundrechte einschließlich Unionsbürgerschaft, die Grundfreiheiten (Warenverkehrsfreiheit, Arbeitnehmerfreizügigkeit, Niederlassungs-, Dienstleistungs- und Kapitalverkehrsfreiheit) und schließlich das Schutzsystem der EMRK in Grundzügen.

- **Lecture**

This is the introductory lecture on European law, more specifically on the law of the European Union (EU) on the one hand and the law of the European Convention on Human Rights (ECHR) on the other. The focus is on: the development of European integration; the institutional framework of the EU, the character of Union law as supranational law; the relationship between national and supranational law, the system of legal sources and legal protection of Union law; the EU fundamental rights including Union citizenship, the fundamental freedoms (free movement of goods, free movement of workers, freedom of establishment, freedom to provide services and free movement of capital) and finally, the protection system of the ECHR in outline.

Rechtsvergleichung/Comparative law (2/4 ECTS)

- **Vorlesung**

Gegenstand sind die vielfältigen ausländische Rechtsordnungen, Rechtstraditionen, Grundfragen der Rechtsvergleichung sowie ausgewählte Privatrechtsvergleiche.

- **Lecture**

Contains various foreign legal systems, legal traditions, basic questions of comparative law and selected private law comparisons.

Völkerrecht I/ Public international law (2/4 ECTS)

- **Vorlesung**

Die Vorlesung führt in die Grundprinzipien des Völkerrechts, seine Geschichte und Natur, seine Rechtssubjekte und Quellen ein und macht die Studierenden mit dem Recht der Staatenverantwortlichkeit, dem Friedenssicherungsrecht und dem humanitären Völkerrecht vertraut. Ferner werden das Phänomen der Institutionalisierung auf internationaler Ebene sowie Grundlagen des internationalen Menschenrechtsschutzes, das Umweltvölkerrechts, des Seevölkerrechts sowie des Wirtschaftsvölkerrechts studiert.

- **Lecture**

The course introduces the basic principles of international law, its history and nature, its legal subjects and sources and familiarizes students with the law of state responsibility, peacekeeping law and international humanitarian law. Furthermore, the phenomenon of institutionalisation at the international level as well as the basics of international human rights protection, international environmental law, international law of the sea and international economic law are studied. The lecture takes place as a live online event and is accompanied by supplementary digital formats.

Grundfragen der Philosophie und der Theorie des Rechts/ Basic Questions of Philosophy and Theory of Law (2/4 ECTS)

- **Vorlesung**

Die Vorlesung „Grundfragen der Philosophie und Theorie des Rechts“ will mit Bezügen zu allgemein-philosophischen Grundlagen einen Zugang zu den gegenwärtigen, internationalen Debatten der Rechtsphilosophie eröffnen. Die Vorlesung behandelt die zur Einführung entscheidenden Begriffe: Wie ist der Begriff Rechtsphilosophie zu bestimmen? Wie können Rechtstheorie, Rechtsphilosophie und Rechtsethik unterschieden werden? In welchem Verhältnis steht die Rechtsphilosophie zu anderen rechtswissenschaftlichen Fächern und anderen Disziplinen? Zentrale Gegenstände sind weiterhin Grundlagen der Rechtstheorie und Rechtsethik. Für die Rechtstheorie stehen Fragen wie die nach dem Begriff des Rechts und der Rechtsgeltung im Vordergrund sowie das Verhältnis des Rechts zu anderen normativen Ordnungen, wie es sich besonders in der auch unmittelbar rechtsdogmatisch relevanten Debatte um Rechtspositivismus und Naturrecht niederschlägt. Zur Rechtstheorie zählen ferner wissenschaftstheoretische Fragen, die sich etwa auf den Wissenschaftscharakter und die Methoden der Rechtsdogmatik richten. Für die Rechtsethik steht allgemein die Frage im Mittelpunkt, wie gerechtes Recht bestimmt werden kann. Dabei geht es etwa um Konzeptionen von Gerechtigkeit und Gleichheit, besonders mit Blick auf wirkmächtige gegenwärtige Gerechtigkeitstheorien. Die Rechtsethik umfasst schließlich auch Fragen der demokratischen Legitimation von Recht, staatlichem Zwang und Strafe sowie danach, wie – nach überpositiven Maßstäben – Rechtssetzung und Rechtsverbindlichkeit in einer freiheitlichen Ordnung gerechtfertigt werden können.

- **Lecture**

The lecture "Basic Questions of Philosophy and Theory of Law" aims to open up access to the current, international debates in the philosophy of law with references to general philosophical foundations. The lecture deals with the concepts that are crucial for the introduction: How is the term philosophy of law to be defined? How can legal theory, legal philosophy and legal ethics be distinguished? What is the relationship between the philosophy of law and other jurisprudential subjects and disciplines? Central subjects continue to be the foundations of legal theory and legal ethics. For legal theory, the focus is on questions such as the concept of law and the validity of law, as well as the relationship of law to other normative orders, as is particularly reflected in the debate on legal positivism and natural law, which is also directly relevant to legal dogmatics. Legal theory also includes questions of the theory of science, which are directed, for example, at the scientific character and methods of legal dogmatics. Legal ethics



generally focuses on the question of how just law can be determined. This involves, for example, conceptions of justice and equality, especially with regard to effective contemporary theories of justice. Finally, legal ethics also includes questions of the democratic legitimacy of law, state coercion and punishment, as well as how - according to super-positive standards - the establishment and binding nature of law can be justified in a liberal order.

Courses held in English

English Legal Terminology II (4/2 ECTS)

- **Lecture**

The lecture serves to impart knowledge of the English legal language. In terms of content, an overview of all important areas of English law is given.

First the institutional circumstances (court structure, etc.), the emergence of the English legal system with its peculiarities, the usual methods of interpreting laws and the methods of applying case law are discussed. Furthermore, individual legal areas of English civil law, criminal law and public law are dealt with.

Introduction to Chinese Law (4/2 ECTS)

- **Lecture**

Starting from a brief presentation of the Chinese Law History and Law Culture this course gives a short overview on the basics of Chinese Administrative, Constitutional and Civil law. A focus will be set on Civil- and Business law. Legal knowledge is not necessary but recommended.

Continental Traditions in Jurisprudence (6 ECTS)

- **Lecture**

In this lecture we will give a first grounding in the history of the continental European tradition of legal philosophy as distinct from, but connected to, Anglo-Scandinavian thinkers. We will try to make the case for continental traditions and show that they follow significantly different strategies than those employed in the common law world. The focus of these lectures will, however, not be on recreating the past, but on discussing current problems (as they can be framed by traditional approaches). We will look at specific topics and work out, together with the participants, how the efforts and failures of important legal thinkers may help us in better understanding some recurrent problems of legal theory and law. First, we will provide a grounding in the continental debates on traditional questions of jurisprudence by trying to chart some of the historical discursive options, e.g. in the confront of the following themes: the role



of morals and/or justice in law, the question of authority, the possibility of an ultimate foundation of law, the viability of legal scholarship (so called legal science).

Second, however, we will focus on the idea of a structural analysis of legal orders, as the more recent continental debate has shown more fruitful results in the daily application of theory to actual problems of the law, for example: conflicts of norms, legal errors, legal gaps, legal interpretation and decision-making, structures of the legal process, connections between “material” and “procedural” law.

By engaging in discussion with traditional ways of understanding legal phenomena in their context and in their relation to concrete problems of law, participants should be enabled to start seeing the structural problems of legal theory and argue their theoretical case, rather than learn a series of facts about past legal philosophers. Participants will be encouraged to analyze the theoretical dimensions of seemingly simple legal problems. The chosen approach will emphasize the connections between the so called material and procedural law, in order to unveil the law as a continuous, complex process that re-reads reality and schematizes its own interpretations about it in a particular structured way.

For an overall view on the **full Course Catalogue** of the Faculty of Law including courses taught in German language, please follow the instructions under:

<https://www.jura.uni-freiburg.de/de/internationales/schluesselinformationen/vorlesungsverzeichnis>

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Publisher

Albert-Ludwigs-Universität
Freiburg

Editorial Stuff

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Photos

Medienzentrum Universität Frei-
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