

Faculty of Law

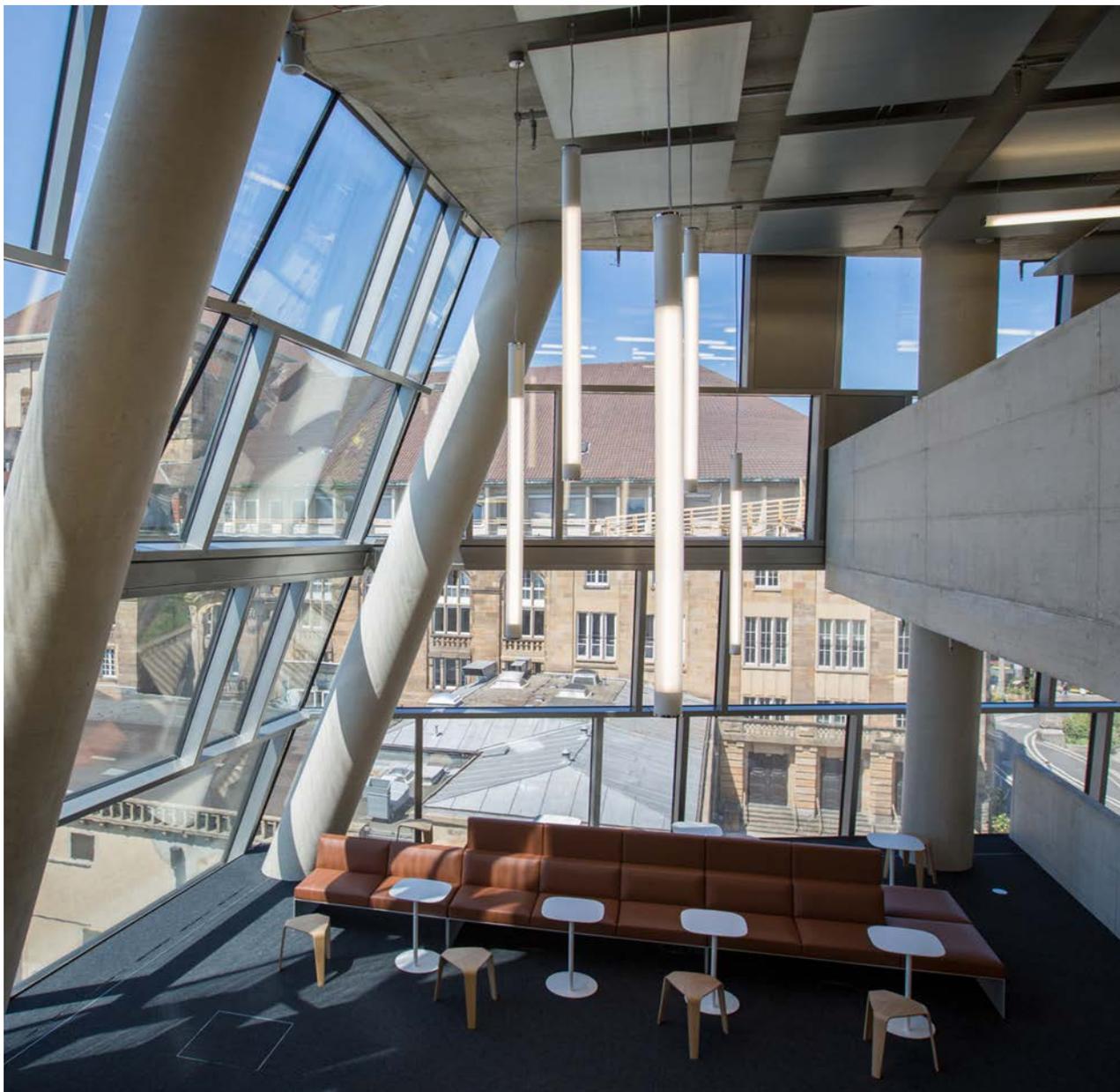
Course Catalogue

Winter Semester 2020/21

Albert-Ludwigs-Universität Freiburg



**UNI
FREIBURG**



Winter Semester 2020/21: Law

(November 2nd 2020 - February 13th 2021)

Lectures

Modules	Teaching	ECTS
Introduction to German Law: Civil Law	1 hour per week	3 att.+exam
- Tutorial - Introduction to German Law: Civil Law	1 hour per week	2 att.+exam
Introduction to German Law: Public Law	1 hour per week	3 att.+exam
- Tutorial - Introduction to German Law: Public Law	1 hour per week	2 att.+exam
Introduction to German Law: Criminal Law	1 hour per week	3 att.+exam
- Tutorial – Introduction to German Law: Criminal Law	1 hour per week	2 att.+exam
Introduction to International Arbitration Law	1 hour per week	2 att.+exam
Foundations of International Law	2 hours per week	4 att+exam
Continental Traditions in Jurisprudence	2 hours per week	6 att+exam+ Research paper
Introduction to Chinese Law	2 hours per week	2 attendance 4 att. + exam
English Legal Terminology	2 hours per week	4 att + exam
Total: up to		33 att.+exam

Seminars

Modules	Teaching	ECTS
Comparative Constitutional Law	Seminar (2 hours per week)	10
Total		10

Moot Court

Modules	Teaching	ECTS
Willem C. Vis Moot-Court	Competition (simulated trial)	12-18 *
Philipp C. Jessup Moot-Court	Competition (simulated trial)	12-18*
ICC Moot-Court	Competition (simulated trial)	12-18*
ECHR Moot-Court	Competition (simulated trial)	12-18*

*compulsory individual guidance



Introduction to German Law

- **Lectures (3 x 3 ECTS) + Tutorial (3 x 2 ECTS)**

This course is an introduction into the three pillars of the German Law: Public Law, Private Law and Criminal Law. You will learn about the substantive law, discuss problems and get to know how German lawyers approach legal issues. The course is taught in German and English. Students may change between the courses during the semester. The three fields of law will be taught separately and each finish with an exam. LL.M.-students are obliged to attend the lectures and pass the exam in Public Law and Private Law. Criminal Law is optional for LL.M.-students. The course will start with an Introduction to the German Legal Culture that is relevant for all three fields.

The tutorials are designed to deepen your understanding in German legal methodology, to review the content of the lectures and to answer questions. Participation in the tutorial is optional but strongly recommended as lecture and tutorial complement each other.

Assessment (Lectures): Attendance and passing the written exam

Assessment (Tutorials): Attendance and handing in one essay

Introduction to International Arbitration Law

- **Lecture (2 ECTS)**

The lecture is held as a block course on two days in the morning and in the afternoon

The number of international arbitrations is steadily increasing. In parts of today's economic life, arbitration has largely supplanted state court proceedings. This applies among other things for company purchases, plant construction and for foreign investments. The lecture gives an overview of the meaning, advantages and disadvantages as well as the practical flow of international arbitration. Issues of applicable procedural and substantive law, the effectiveness of arbitration agreements and the enforcement of arbitration awards are discussed. The references of arbitration law to private international law and civil procedure law are presented.

Assessment: Attendance and passing the written exam optionally in English or German

Foundations of International Law

- **Lecture (4/2 ECTS)**

This course is a compact introduction to the foundations of public international law. It focuses on the field's 'toolbox topics': topics which enable one to understand recurring issues in specific regulatory fields such as humanitarian or environmental law or the law of the sea. None of these topics can be studied without a sound foundation of what the sources of international law, the law of treaties, the law of state responsibility or the institutional framework of the United Nations system are and do. Not only are topics such as the rules of treaty interpretation tools for the future practitioner, and form the general part of international law (the "Allgemeiner Teil"), but they also showcase the fundamental problems of international law as it is currently conceived. The course is designed as a first introduction to international law, as a revision and reminder for those who have already have some knowledge of the field and as a re-introduction in English for those who may have attended German courses in international law. As far as is feasible, the course will be a conversation between participants and lecturer, rather than a monologue by the latter.

Assessment: Attendance, passing the oral exam



Continental Traditions in Jurisprudence

- **Lecture (6 ECTS)**

In these lectures 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, like:

- conflicts of norms
- legal errors
- legal gaps
- legal interpretation and decision of legal cases
- 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.

Assessment: Attendance, passing the oral exam and submit an essay

Introduction to Chinese Law

- **Lecture (4/2 ECTS)**

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.

Assessment: Attendance (and passing the written exam.)

English Legal Terminology

- **Lecture (4 ECTS)**

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.

Assessment: Attendance and passing the oral exam

Comparative Constitutional Law

- **Seminar (10 ECTS)**

The participants meet once a week for two hours to discuss the weekly readings focussed intensely on the history and theory of the functionalist method. The attendance is an opportunity to master the skills of writing and presenting research proposals, which will be of particular importance for anyone going on to do postgraduate study, as well as those seeking to work at law firms.

Assessment: Attendance, submit a research paper (75% of the final grade) and hold an oral presentation (25% of the final grade)

Moot Courts (14-18 ECTS, compulsory individual guidance)

Detailed information on the candidacy, course and content as well as reports based on the experience of previous participants of the respective Moot Courts can be found on the university webpages:

Willem C. Vis Moot-Court:

<https://www.jura.uni-freiburg.de/de/zusatzprogramme/moot-courts/vis-moot/vis-moot-freiburg>

Philipp C. Jessup Moot-Court:

<https://www.jessup.uni-freiburg.de/>

ECHR Moot-Court:

<https://www.jura.uni-freiburg.de/de/institute/rphil/rtheo/emrkmoot>

ICC Moot-Court:

<https://www.jura.uni-freiburg.de/de/institute/perron/icc>

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-1>

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Office Hours

During the semester:

Ms Susanne Hofmann: Mon+ Wed 10-12 am

Ms Simone Bemann: Thurs 10-12 am

Ms Charlotte Willmann: Fri 10-12 am

During the semester break:

Ms Susanne Hofmann: Mon + Wed 10-12 am

Ms Simone Bemann: Thurs 10-12 am

Ms Charlotte Willmann: Fri 10-12 am

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Photos

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