Course Description: ***Comparative Law***, JU44AA, 15 credits

Comparative Law is an upper level elective course given in English at the Department of Law, Stockholm University. The course director is Filippo Valguarnera, filippo.valguarnera@juridicum.su.se. The course email address is comp@juridicum.su.se and the course administrator is Maria Schöning, Maria.Schoning@juridicum.su.se.

Course Objectives and Examination:

This upper level 15-credit elective course has the objective of providing students with the opportunity to gain deeper insight in the use of comparative law methods in research and in practice. The grade on the course is based on class participation (P/F), the written and oral presentation of an essay (20 points), and the written and oral opposition of another student's essay (4 points).

Course Content:

This 10-week course is divided into four blocks. The first block focuses on the overarching comparative law theories and methods. The second block addresses different national legal systems, Swedish, English, American, German and Turkish. The third block addresses comparative legal theoretical approaches to substantive issues, including contract, remedies and dispute resolution. The fourth block consists of authoring a comparative law essay. The essay is to be presented orally. The students will also oppose another student's essay both in writing and orally.

Learning Outcomes:

After completing the course, the student should be able to:
– demonstrate a knowledge of comparative legal theory and methodology as well as independently and critically reason as to choice of method and method risks in carrying out a comparative law investigation;
– demonstrate knowledge of the basic tenants in the legal systems and legal families studied within the framework of the course as well as analyze and evaluate similarities and difference between them
– plan and carry out a comparative law investigation and report the outcomes both in writing and orally; and
– analyze and evaluation the comparative law investigations of others as well as present constructive criticism both in writing and orally

Attendance:

The Comparative Law course consists of seminars and active student attendance is required at all seminars. Active attendance means that the student has prepared the seminar assignment and participates in the seminar discussions.

In the event a student misses any seminar, the student is to complete a written assignment in the form of a short paper on the topic and questions addressed during the seminar (600 words, two A4 pages, 12 pt, 1.5 spacing). The make-up assignments can be handed in at any time, but a grade will not be given in the course to the student until all the make-up assignments have been submitted. Completing the make-up assignments before the essay is recommended. The make-up assignment should be called 2024 Comparative Law Makeup [students name] and emailed to comp@juridicum.su.se. Each student needs to keep check of their own absences and turn in a make-up assignment for each absence.

A student can miss up to three seminars without having to state a reason. After that, excused absences will only be for good cause, such as illness as attested by a physician's certificate. The essay presentation and opposition are mandatory and cannot be made up. Grades will not be released until all the make-up assignments are handed in and examined.

The structure of the seminars:

Each seminar will last two hours. Each hour will be led by one or two students that will act as seminar leaders. The seminar leader(s) will introduce the discussion with a 15-minute presentation and will thereafter act as moderator(s). If the discussion halts, it is the responsibility of the seminar leader(s) to enliven it with questions, remarks and by providing intellectual stimulation. The discussion lasts for about 15 minutes. The final 15 minutes will be used by the teacher to ask questions or to make a remark. Every hour on the hour we will take a 15 minutes break. During this time seminar leader(s) will get oral feedback from the teacher.

The seminar leader(s) will also prepare a power-point presentation (alternative programs can also be used) that will be sent to the teacher not later than 24 hours after the seminar. The file will be published on Athena.

Required readings:

Each seminar has assigned readings and questions as seen in Athena.

Examination in the Course:

Course Grade:

The grade on the course is based on class participation (P/F), the written and oral presentation of an essay (20 points), and the written and oral opposition of another

student's essay (4 points). The course grade is based on a weighing of the individual presentations within the framework for the different examination moments. All of the course's learning outcomes must be achieved and all activities passed in order to pass the course. All make-up assignments for missed seminars must be submitted for a grade to be given.

Grading Scale:

Grades are given on either the Swedish four-grade scale or the European Credit Transfer System (ECTS) seven-grade scale. The Swedish grading scale is: Pass with distinction (AB), Pass without distinction (BA), Pass (B) or Fail (U). Students who submit a request at least a week prior to the exam to the course administrator are entitled to a grade on the ECTS seven- grade scale. The ECTS seven-grade scale is as follows: A (Excellent), B (Very good), C (Good), D (Satisfactory) or E (Sufficient). Failing grades are Fx (Insufficient) and F (Wholly insufficient).

Course Essay:

Each student is to present and defend an essay, as well as act as opponent with respect to another student's essay, in the last week of the course. The presentation, defense and opposition of the essays at the final seminar are mandatory and cannot be made up.

Objectives of the written and oral presentations:

With the paper and oral presentations, the student is to demonstrate:

• Knowledge as to the fundamentals of comparative law theory and method as well as the ability to critically reason around choice of method and different method problems with the execution of comparative law studies;

• Knowledge as to the fundamental characteristics in different legal families as studied within the course;

• The ability to independently plan and complete a legal investigation and present the results both in writing and orally in English; and

• The ability to independently and in a professional manner criticize and oppose in English another student's academic work.

Assessment criteria with respect to the course essay:

– subject and problem formulation
– knowledge of the subject and insight into the topic
– presentation
– materials and methodology
– analysis and argumentation including independence
– conclusions, sources and formal requirements (including deadlines), and
– language.

Assessment criteria with respect to the opposition summary:

– The opposition summary follows the form requirements.
– Contains objective, relevant and constructive feedback as to another student's essay.
– The ability to independently and in a professional manner criticize and oppose in English another student's academic work within the given timeframe.

Assessment criteria applicable to the oral presentations of the essay and opposition:
– ability to formulate legal problems
– ability to within a limited timeframe in a legally correct manner independently and systematically argue based on the problem formulation
– ability to arrive at legal conclusions as well as communicate them.

The Essay Assignment:
The grade in the course is based on a written paper (20 points) and the oral presentation of the paper as well as opposition of another student's paper (4 points together), for a total of 24 points.

The topic of the paper and choice of method is to submitted before the tutorial according to the schedule.

Due dates:
There are two due dates in the course. The first due date, which is voluntary with the exchange students having a right of priority, ensures that the examination will occur before Christmas. The second date in January entails examination during exam week for the fall B courses. Those wishing to turn the essay in by the December voluntary deadline need to contact the course administrator according to the schedule.

The essay is to be submitted electronically by the time and date as stated in the schedule on the course website via Athena. It is also to be submitted to the course administrator at comp@juridicum.su.se, the student who is to be the opponent as well as to the text-matching program, filippo.valguarnera.su@analys.urkund.se. The essay should be an attached file named: 2024 Complaw XXX, with XXX being the student author's last name.

An essay submitted after 10:00 a.m. is late and you will not be able to upload it to Athena, and consequently will not be presented. If you do not receive the essay you are to oppose in time, first check your spam mail, and if not there, let the course administrator know immediately.

Plagiarism
The Department of Law, Stockholm University, uses the text-matching system

URKUND. All the essays will be submitted to URKUND for analysis, so check the rules in the administrative file on the essay for the course as to how to avoid plagiarizing.

The Formal Requirements for the Essay:

The essay is to be approximately 4,000-6,000 words including the title page and bibliography. The title page is to contain the title of the paper, the student's name, course name, date and number of words. The spacing for the paper is to be 1.5, with Times New Roman 12 pt.

Footnotes are to be used for references. The legal usage rules as found in the document, Legal English Checklist, as included below, and the Commission's Style Guide on the Commission's website are to be followed: ec.europa.eu/translation/english/guidelines/documents/styleguide_english_dgt_en.pdf.

The student is to pick the topic for the paper based in part of the themes covered in the course in the seminars. The topic of the paper is to be approved by your teacher at the tutorial.

Opposition Summary:

The oppositions summary is to be between 500-600 words total, bullet points are fine. It will be handed (only) to the examiner in class after the presentation and opposition of the essay. The presentations and oppositions will be held in accordance with the schedule posted on the website. You only need to be present at your own 1-hour time slot for your presentation and opposition.

Oral Presentation and Opposition:

For each 1-hour time slot, the time is to be allocated in the following manner:

Student 1 presents the essay (about 6-8 minutes)
Student 2 opposes the essay (about 8-10 minutes)
Student 1 addresses the main points of the opposition
Discussion (if wanted/needed)

Student 2 presents the essay (about 6-8 minutes)
Student 1 presents the essay (about 8-10 minutes)
Student 2 addresses the main points of the opposition
Discussion (if wanted/needed)

Feedback is then given by the examiner individually (not to both at the same time). However, the grade and grading protocol are not released at this time (to allow for reassessment by the examiners).