

- Faculté de droit
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Comparative and European Private Law (4DR2117)

Filières concernées	Nombre d'heures	Validation	Crédits ECTS
Master bilingue en droit	Cours: 3 ph	oral: 15 min	6
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ph=période hebdomadaire, pg=période globale, j=jour, dj=demi-jour, h=heure, min=minute

Période d'enseignement:

- Semestre Printemps

Objectifs:

This lecture echoes the phenomenon of globalization and « europeanisation » of contemporary Private Law. It aims at enhancing the awareness of the students that their own legal system is not the only way to apprehend the law. Today, lawyers cannot any longer study Swiss law from a purely national perspective, but have to understand, interpret and apply this law on the basis of Comparative and in particular European Law. Therefore, this lecture aims to sensitize the students to the direct and indirect impact which the European integration has on Swiss Private Law and to the consequences of this evolution for the legal professions.

Contenu:

The lecture is divided into four parts : the first part consists in an introduction to Comparative Law (concept, functions, aims, methods, overview of the principal legal families of the world). The second part is dedicated to the analysis of a specific legal figure (medical liability for the birth of an undesired child) in different legal systems. The third part studies different aspects of American Law (Common Law), such as torts, negligence, products liability, punitive damages, jury trial, lawyer's fees and class actions. The subject of the fourth part is European Private Law and its influence on Swiss Private Law, with regard to legislation, case law and doctrine. The lecture is designed for students who are interested in the international dimension of Private Law. It is highly recommended for students following the orientations « Business and Tax Law », « Avocature (professions judiciaires) » and « Droit international et européen ». As this lecture is taught in English, a fair mastering of the language of Shakespeare is indispensable, even though it will of course be taken into account that most students are not English native speakers. The lecture includes a half-day extra muros at the Swiss Institute of Comparative Law in Lausanne (ISDC).

Forme de l'évaluation:

15 minutes, oral, open book exam, with preparation time; active participation in class discussions is required and counts for half of the final grade.

Documentation:

The reading assignments can be found on Claroline.