5044EN Comparative Methodology: Tort Law
2024 - 2025

Thomas KADNER GRAZIANO

Certificate / Master - 6 crédits

Printemps 2h

Mercredis 8:15-10:00
Uni-Mail M R060

Descriptif :
The aim of this course is to teach students comparative tort law and to train them in the use of the comparative method. The approach is case-oriented and based on 'learning by doing'. ' In each session, we start with a scenario taken from the case law of a European country and raising a highly topical issue of tort law. Students work with materials from different jurisdictions, allowing them to solve the case under different national laws. The materials (code provisions, court decisions and extracts of academic writing) represent the current state of the law in a large number of European jurisdictions and, for example, in the USA, in Canada, or in China. They further include the `Principles of European Tort Law'.

The first step is to solve cases under the different national laws. The second step is to analyse and compare the solutions and to try to discover if any common principles exist for the raised issue. Where the national solutions diverge, we analyse their respective pros and cons and discuss which of the solutions might be the most appropriate to solve the problem at issue, from a comparative and an international perspective.

Students will get acquainted with comparative tort law. They will further learn how to effectively use comparative arguments in their future work, be it as judges, lawyers, and legislators (national or international). Upon completion of the course, they will feel more comfortable in a multi-jurisdictional world filled with diverse legal thinkers. Course material: Thomas Kadner Graziano, Comparative Tort Law ' Cases, materials and exercises, Routledge, 2018"