



Fróðskaparsetur Føroya
University of the Faroe Islands

Søgu- og samfelagsdeildin
Department of History and Social Sciences

Samanberandi rættur

Tímatalva og innihald – heyst 2023

(bachelor 2846.19 og master 2487.21)

Undirvísarar: Catherine Dupre (CP), Kristian Joensen (KJ), Mikael M. Karlsson (MMK) & Bárður Larsen (BL).

Ábyrgd: Bárður Larsen.

Stig: bachelor 10 ECTS & master 10 ECTS

Stað: SSD í Jónas Broncksgøtu 25, Tórshavn.

Tími	Dato og kl.	Evni og at lesa	Undirvísari
1	05-09-23 (týsdagur) Kl. 10-12.	Evni: Inngangur. <ul style="list-style-type: none">Um skeiðið.Um samanberandi rætt: søgulig gongd og ymiskar tilgongdir. Tilfar: Mathias Siems, <i>Comparative Law</i> , 2. útg., Cambridge University Press, 2018, Introduction (s. 1-10). George P. Fletcher, “Comparative Law as a Subversive Discipline”, <i>American Journal of Comparative Law</i> , Vol. 46, s. 683-700, 1998.	CD
2	06-09-23 (mikudagur) Kl. 10-12	Evni: Samanberandi rættur sum politikkur. <ul style="list-style-type: none">Frá hvørjum londum verður lánt?	CD



		<ul style="list-style-type: none">Um at menna lóg og rætt í samanberandi høpi. <p>Tilfar:</p> <p>Catheriné Dupré, “The Perspective of Law Importation, the Hungarian Experience”, í: A. Harding and E. Örüçü (eds.), <i>Comparative Law in the 21st Century</i>, London, Kluwer Academic Publishers, 2002, s. 267-281.</p> <p>Rosalind Dixon & David Landau, “1989-2019: From democratic to abusive constitutional borrowing”, <i>International Journal of Constitutional Law</i>, Vol. 17, s. 489-496, 2019.</p>	
3	08-09-23 (fríggjadagur) Kl. 10-12	<p>Evni:</p> <p>Sjónarhornið innanfrá og sjónarhornið uttanfrá.</p> <ul style="list-style-type: none">Sløg av samanberandi lögfrøðingum.Stig av samanberandi áhuga ella hugbinding. <p>Tilfar:</p> <p>Elkins Z. Ginsburg T & Melton J, ‘A Review of Iceland’s Draft Constitution’ (2012) <i>Comparative Constitutions Project</i> <https://comparativeconstitutionsproject.org/wp-content/uploads/CCP-Iceland-Report.pdf?6c8912></p> <p>Skúli Magnússon, “The 2011 Proposal for a New Constitution: analysis and critical comments”, í: Catheriné Dupré & Ágúst Þór Árnason (red.), <i>Icelandic Constitutional Reform</i>, Routledge 2020, s. 151-170.</p>	CD
4	11-09-23 (mánadagur) Kl. 10-12	<p>Evni:</p> <p>Háttaløg fyri samanberandi rætt.</p> <ul style="list-style-type: none">Ymisk háttaløg.	CD



		<ul style="list-style-type: none">• Vanligar avbjóðingar og hvussu vit loysa tær fyri nýggj í fakinum samanberandi rættur. <p>Tilfar:</p> <p>Günter Frankenberg, <i>Comparative Law as Critique</i>, Edgar Elgar Studies in Legal Theory, 2016, kap. 3, (“Navigating the mainstreams”) s. 37-76.</p>	
5	13-09-23 (mikudagur) Kl. 10-12	<p>Evni:</p> <p>Samanberandi lögfrøðingurin í miðdeplinum.</p> <ul style="list-style-type: none">• Týðandi samanberandi lögfrøðingar og teirra tilgongd.• Kenn teg sjálva(n) sum samanberandi lögfrøðing. <p>Tilfar:</p> <p>Günter Frankenberg, <i>Comparative Law as Critique</i>, Edgar Elgar Studies in Legal Theory, 2016, kap. 4, (“Orientalizing Comparative Law’s Occident”) s. 84-112.</p>	CD
6	14-09-23 (hósdagur) Kl. 13-15	<p>Evni:</p> <p>At nýta samanberandi rætt í akademiskum grundgevingum.</p> <ul style="list-style-type: none">• Eitt sterkt amboð og ein røð av tilgongdum.• Blindir vinklar, (ó)gegni og mørk. <p>Tilfar:</p> <p>Catheriné Dupré, <i>Importing the law in post-communist transitions</i>, Hart, 2003, s. 7-10 (“Inventing a method”)</p>	CD



		<p>Catheriné Dupré, <i>The Age of Dignity</i>, Hart 2016, s. 8-13 ('Comparison: mapping the archipelago')</p> <p>Catheriné Dupré & Ágúst Þór Árnason (red.), <i>Icelandic Constitutional Reform</i>, Routledge 2020, s. 4-8 ("Issues of method")</p>	
7	15-09-23 (fríggjadagur) Kl. 13-15	<p>Evni:</p> <p>Samanbering av stjórnarskipanum ella grundlógum: Royndir við lógunum/skipanunum sjálvum.</p> <p>Tilfar:</p> <p>Franska stjórnarskipanin [French constitution], upprunaliga 1958: https://www2.assemblee-nationale.fr/langues/welcome-to-the-english-website-of-the-french-national-assembly#node_9440</p> <p>Týska grundlógin (Grundgesetz) [German Constitution/Basic Law, 1949] https://www.gesetze-im-internet.de/englisch_gg/</p> <p>Stjórnarskipanin fyri Bhutan [Constitution of Bhutan], 2008: https://www.nab.gov.bt/en/business/constitution_of_bhutan/</p> <p>Íslenska stjórnarskipanin ella stjórnarskráin [Icelandic constitution] 1944: https://www.government.is/publications/legislation/lex/?newsid=89fc6038-fd28-11e7-9423-005056bc4d74</p>	CD
8	20-09-23 (mikudagur) Kl. 9-12	<p>Evni:</p> <p>Amerikanska grundlógin við serligum denti á føderala bygnaðin, harundir føderalu dómstóla skipanina</p> <p>Tilfar:</p> <p>The Constitution of the United States.</p>	KJ



	<p>Introduction To The Federal Court System, Office of United States Attorneys, Department of Justice.</p> <p>Framløga um Stare Decisis frá lawandborder.com</p> <p>Per Curiam parturin av Caetano v. Massachusetts 577 U. S. 411 (2016).</p> <p>Bosse v. Oklahoma 580 U. S. ____ (2016).</p> <p>Brot úr Kimble v. Marvel Entertainment, LLC, 576 U.S. 446.</p> <p>Henry Schein, Inc. v. Archer and White Sales, Inc. 592 U. S. ____ (2021).</p> <p>Brot úr Williams-Yulee v. Florida Bar 575 U. S. 433 (2015).</p> <p>Brot úr bókini How to Become A Federal Criminal An Illustrated Handbook for the Aspiring Offender, Mike Chase.</p> <p>US Courts Organizational Chart (Federal Courts).</p> <p>Circuit Map of the US Court of Appeals for the Ninth Circuit(CircuitMap_01.jpg).</p> <p>Rule 10 and Rule 11, Rules of The Supreme Court of The United States(úr Rules of the Supreme Court of the United States.pdf).</p> <p>Amerikanska dómstólaskipanin.jpg</p> <p>Statutory Interpretation in the United States - excerpt on the US courts.</p> <p>Chart of the relationship of the US Supreme Court to the lower federal courts and to the state courts, respectively(US Courts Organizational Chart(Federal Courts).gif).</p> <p>scotusblog.com-Glossary of Supreme Court terms.</p> <p>Fylgjandi brot frá heimasíðuni hjá amerikanska hægstarætti:</p> <p>History and Traditions.</p>	
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		<p>Oaths of Office_ Texts, History, and Traditions.</p> <p>The Court and Constitutional Interpretation.</p> <p>The Court and Its Procedures - Supreme Court of the United States.</p> <p>The Court and Its Traditions - Supreme Court of the United States.</p> <p>The Court as an Institution - Supreme Court of the United States.</p> <p>The Supreme Court At Work.</p>	
9	22-09-21 (fríggjadagur) Kl. 10-12	<p>Evni:</p> <p>Føderalisma í USA.</p> <p>Tilfar:</p> <p><i>The Federalist No. 39</i>, James Madison, frá The Federalist Papers, Oxford World Classics.</p> <p><i>The Federalist on Federalism: "Neither a National Nor a Federal Constitution, But a Composition of Both"</i>, Martin Diamond, The Yale Law Journal, Vol. 86, No. 6, Federalism (May, 1977), s. 1273-1285.</p> <p>Samandráttur av fyrra Bond v. United States málinum (564 U. S. 211 (2011).</p> <p>Samandráttur úr Bond v. United States 572 U.S. 844 (2014).</p> <p>Samandráttur úr New York v. United States 505 U. S. 144 (1992).</p> <p>Samandráttur úr United States v. Lopez 514 U. S. 549 (1995).</p> <p>Samandráttur úr Printz v. United States 521 U. S. 898 (1997).</p>	KJ



		<p>Samandráttur úr United States v. Morrison 529 U. S. 598 (2000).</p> <p>Samandráttur úr Gonzales v. Raich 545 U.S. 1 (2005).</p> <p>Samandráttur úr Puerto Rico v. Sanchez Valle, 579 U.S. ____.</p> <p>Samandráttur úr Murphy v. National Collegiate Athletic Association 584 U. S. ____ (2018).</p> <p>Útsøgn hjá Clarence Thomas um Gonzales v. Raich úr Standing Akimbo v. United States.</p> <p><i>Even the Supreme Court's Super-Elastic Commerce Clause Cannot Force States to Ban Marijuana</i>, Jacob Sullum, 29.06.2021, Reason.com.</p>	
	<p>25-09-23 (mánadagur)</p> <p>Kl. 12</p> <p>27-09-23 (mikudagur)</p> <p>Kl. 18</p>	<p>Heim-við-roynd (40%)</p> <p>Lesandi fáa spurningar mánadag kl 12.</p> <p>Spurningar skulu latast inn mikudag kl 18</p>	
10	<p>04-10-23 (mikudagur)</p> <p>Kl. 9-12</p>	<p>Evni:</p> <p>Ástøðið um stovnsliga (institutionella) líkheit millum lond.</p> <p>Um gloymda sambandið millum stødd og stovnsligan bygnað.</p> <p>Tilfar:</p> <p>Paul J. DiMaggio and Walter W. Powell: "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields", <i>American Sociological Review</i>, Vol. 48, s. 147-160, 1983.</p>	BL



		<p>J. B. S. Haldane, "On being the right size", í J. B. S. Haldane, <i>Possible Worlds and other Essays</i>, Chatto & Windus, London 1927, s. 18-26.</p> <p>Hemant B Chittoo, "Public Administration in Small and Island Developing States: A Debate about Implications of Smallness", <i>Global Journal of Management And Business Research</i>, Vol. 11, s. 23-34, 2011.</p>	
11	18-10-23 mikudagur) Kl. 9-12	<p>Evni:</p> <p>Samanberandi lógartulking I (inngangur).</p> <p>Um háttalag hjá samanberandi lógartúlkingarhópinum (Comparative Statutory Interpretation Group)</p> <p>Tilfar:</p> <p>Lesievni koma seinni.</p>	MMK
12	20-10-23 (fríggjadagur) Kl. 9-12	<p>Evni:</p> <p>Samanberandi lógartulking II: Lógartulking í Fraklandi.</p> <p>Tilfar:</p> <p>Lesievni koma seinni.</p>	MMK
13	23-10-23 (mánadagur) Kl. 9-12	<p>Evni:</p> <p>Samanberandi lógartulking III: Lógartulking í Svøríki.</p> <p>Tilfar:</p> <p>Lesievni koma seinni.</p>	MMK
14	25-10-23 (mikudagur) Kl. 9-12	<p>Evni:</p> <p>Lógartulking IV: Lógartulking í USA.</p>	MMK



		Tilfar: Lesievni koma seinni.	
	13-11-23 (mánadagur) Kl. 12. 15-11-23 (mikudagur) Kl. 18	Heim-við-roynd (30%) Lesandi fáa spurningar mánadag kl 12. Spurningar latast inn seinast mikudag kl 18 Komin hertil.	
15	17-11-23 (fríggjadagur) Kl. 9-12	Evni: Breiðsla av politikkum og stovnum (institutiónum) millum lond sum antin skynsamt val og lærdómur frá øðrum ella sum bundið skynsemi og eftiraping. Tilfar: Zachary Elkins & Beth Simmons, “On Waves, Clusters, and Diffusion: A Conceptual Framework,” <i>Annals of the American Academy of Political and Social Science</i> , Vol. 598, s. 33-51, 2005. Covadonga Meseguer, “Policy learning, policy diffusion, and the making of a new order”, <i>Annals of the American Academy of Political and Social Science</i> , Vol. 598, s. 67-82, 2005.	BL
16	20-11-23 (mánadagur) Kl. 9-11	Evni: Ástøðið um og móguleikin fyri at flyta lógir og rættarligar skipanir. Tilfar: Kap. 4 og kap. 15-17 (s. 21-30 og 89-106) í Alan Watson, <i>Legal Transplants: An Approach to</i>	BL



		<p><i>Comparative Law</i>, 2. útg., University of Georgia Press, 1993.</p> <p>Pierre Legrand, “The Impossibility of Legal Transplants”, <i>Maastricht Journal of European and Comparative Law</i>, Vol 4, s. 111-124, 1997.</p>	
17	24-11-23 (fríggjadagur) Kl. 9-12	<p>Evni:</p> <p>Bólkan av transplantatiónum í ymisk sløg</p> <p>Tilfar:</p> <p>Jonathan M. Miller, “A Typology of Legal Transplants: Using Sociology, Legal History and Argentine Examples to Explain the Transplant Process”, <i>The American Journal of Comparative Law</i>, vol. 51, s. 839-885, 2003.</p>	BL
18	29-11-23 (mikudagur) Kl. 9-12	<p>Evni:</p> <p>Fortreytir fyri, at lán ella flyting av lógum og rættarlígum skipanum eydnast.</p> <p>Tilfar:</p> <p>Daniel Berkowitz, Katharina Pistor & Jean-Francois Richard, “The Transplant Effect”, <i>The American Journal of Comparative Law</i>, Vol. 51, s. 163-203, 2003.</p> <p>Randall Peerenboom, “Towards a methodology for successful legal transplants”, <i>The Chinese Journal of Comparative Law</i>, Vol. 1 No. 1 s. 4-20, 2013.</p>	BL
	06-12-23 (mikudagur) Kl. 12 08-12-23 (fríggjadagur) Kl. 18	<p>Heim-við-roynd (30%)</p> <p>Lesandi fáa spurningar mikudag kl 12.</p> <p>Spurningar skulu latast inn fríggjadag kl 18</p>	