



UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Family Law in Plural Societies

2223-5-A5810259

Learning objectives

N.B. : To register for e-learning, send an email to alessandra.donati@unimib.it (only from your address @ campus.unimib.it)

The course aims to provide an overview of the possible configurations assumed by family law in history and current law.

The course aims in particular to give an in-depth analysis of family patrimonial law and the administration of family assets and of the family wealth transactions within major European countries, in UK and USA, from an historical and comparative law point of view

The administration systems of the family patrimony of the Middle Eastern countries, China, India and Japan will also be studied.

Contents

The course is structured in two parts: in the first part, devoted to ancient law, the basics of family law in Roman law will be presented, showing its role in ancient Roman culture.

In his second part, the course aims to give an in-depth analysis of family patrimonial law and the administration of family assets and of the family wealth transactions within major European countries, in UK and USA, from an historical and comparative law point of view. The administration systems of the family patrimony of the Middle Eastern countries, China, India and Japan will also be studied.

The course will start with a theoretical framework and will develop in discussions of cases and other materials such as judgments, laws and other concerning legal tools.

Active participation from students is required, as well as suggestions of specific readings that will facilitate discussion during the course.

Detailed program

The program articulates in two parts.

First part: In depth-analysis of the first book of the Institutes of Gaius: the concept of person in Roman law; status theory; the Roman family; the link between position within the family and capacity to act in the world of law; guardianship and protection. In addition, some cases of so-called 'testamentary foundations' will be analysed.

The second part of the course will focus on the rules and principles of comparative family patrimonial law and family wealth transactions.

Reference will be made to the Italian, French, German, English and US systems, in a comparative perspective. The administration systems of the family patrimony of the Middle Eastern countries, China, India and Japan will also be studied.

We will carry out a study of the law and judicial rulings governing, within the family, the free transfer of assets between living and death and the various institutions for the administration of important family assets, such as for example historic houses and art collections.

More precisely, this second part of the course aims to analyze, in a comparative perspective, with the help of practical cases, all the varieties of family property transactions, legitimate succession of assets, constitution and validity of private and charitable trusts, individual and class gifts, powers of appointment, interests future, the Rule against perpetuity and the execution, validity and construction of wills.

A particular attention will be paid to a role Family offices, legal entities that carry out the administration and management of assets and investments of ultra-high net worth individuals or families ("UHNW") for the purposes of capital preservation, succession planning and managing investments.

Prerequisites

Good skills in reasoning and reading legal materials.

Teaching methods

Lectures, cases discussion in class

Assessment methods

Oral test. Attending students will benefit from notes and materials collected during classes.

Non attending students will be able to take the examination on the base of the materials proposed on e-learning platform.

Textbooks and Reading Materials

Since there is no systematic, historical and comparative treatment of the subject of the course, students will be provided with specific texts and materials for the study of each topic.

Sustainable Development Goals

QUALITY EDUCATION | GENDER EQUALITY
