UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Comparative Law of Obligations and Contracts

2324-5-A5810188

Learning objectives

The course aims to give an in-depth analysis of contracts within major European countries, in UK and USA, from a comparative law point of view. The program's approach is to investigate the contract side of private law.

Contents

The course aims to give an in-depth analysis of contracts within major European countries, from a comparative law point of view.

The program's approach is to investigate the contract side of private law, in order to find out differences within major European legal systems, in view of a future European harmonization.

The course will start with a theoretical framework and will develop in discussions of cases and other materials such as sentences, 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 three parts:

part 1 is devoted to the historical evolution of the different notions of contract, up to most recent contributions, marking the differences between traditional areas of common and civil law;

part 2 will study the contract within the common law system. We will focus on the evolution, with the help of

practical cases, starting with the origin of contractual right up to the different aspects of contract rules: contract essential elements, negotiating capacity, the notion of consideration, frustrations and impracticability rules, object of the contract, interpretation, execution and the good faith principle, up to the breach of contract;

part 3 is devoted to a comparative analysis of major European models - French, German and British

– foreseeing the shaping of a European contractual law. In particular, we will treat the following items: contract rules in general, from essential elements

– consent, cause consideration, object - , interpretation, invalidity. We will precisely indicate differences as well as homogeneity within European systems.

Prerequisites

Good skills in reasoning and reading legal materials.

Teaching methods

Lectures, cases discussion in class.

Assessment methods

Oral Exam

Textbooks and Reading Materials

Attending students:

1) C. Marchetti, R. E. Cerchia, Il contract in Inghilterra. Lezioni e materiali, Editore Giappichelli, 2012

Not attending students:
Fabio Valenza, il contratto nel diritto comparato, Key Editore, 2023.
con l'integrazione della lettura dei casi in C. Marchetti, R. E. Cerchia, Il contract in Inghilterra. Lezioni e materiali, Editore Giappichelli, 2012;

alternatively:
Valentina Jacometti, Il mutamento sopravvenuto di circostanze tra hard law e soft law. Profili di diritto comparato, Giappichelli, 2023.

Sustainable Development Goals