



UNIVERSITÀ  
DEGLI STUDI DI MILANO-BICOCCA

## SYLLABUS DEL CORSO

### Family Law in Plural Societies

2324-5-A5810259

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#### Learning objectives

N.B. : To register for e-learning, send an email to [alessandra.donati@unimib.it](mailto: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 law 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 some countries in comparative perspective 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.

1) 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.

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

Reference will be made to the EU and extra EU Countries in a comparative perspective.

More precisely, this second part of the course aims to analyze, in a comparative perspective and with the help of practical cases:

- foundation of marriage and civil partnership in the different legal tradition
- relations among spouses and members of the family in the different legal tradition
- relations with children
- varieties of family property transactions, legitimate succession of assets, constitution and validity of private and charitable trusts, construction of wills.

## **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 Textbook.

## **Textbooks and Reading Materials**

The Cambridge Companion to Comparative Family Law

Edited by Shazia Choudhry, Queen Mary University of London, Jonathan Herring, University of Oxford

Cambridge University Press

## **Sustainable Development Goals**

