UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

# COURSE SYLLABUS

# Comparative Private Law

**2425-4-A5810132**

## Learning objectives

The course aims to provide the student with the knowledge for the analysis of institutions, legal formants and rules applied in other legal systems, as well as to introduce the student to the comparative methodology useful for the study of Italian and foreign law and the legal comparison itself. In particular, the student is led to know and read sentences as well as other legislative documents typical of different legal systems and to discuss it with the teacher and the colleagues.

## Contents

The main purpose of the first part of the course is to provide an introduction to the different national legal systems and traditions using the methodology of comparative law.
The course will first be devoted to the two main Western Legal Traditions, common law and civil law, analysed in their general and more specific characteristics.
The course will also be devoted to the application of comparative methodologies to specific areas of private law in order to identity the emerging of a new European ius commune and the existing of a so called “gradual convergence” between legal systems. Specific issues of contract law, tort law, property law and trusts will be considered making use of the comparative approach.

## Detailed program

The program is the same for all students and is detailed as follows:

- Objects and methodologies of legal comparison
- The legal systemology

- The Western Legal Tradition

- The common law tradition
- The emerging and evolution of the English common law
- The Equity
- The Judiciary reforms
- The American legal system
- The role and formation of the jurists
- Sources of law and precedents
- The process of penetration and imitation of common law
- The Civil law tradition
- Characteristics and evolution of civil law systems
- The era of ius commune
- Formation of the jurists
- The Codification period
- The French legal system
- The German legal system
- Legal comparison and European Law
- The law of contracts: basic notions
- Tort law : basic notions
- Trusts and property law: basic notions

## Prerequisites

Very good knowledge of private law, history of law

Ability to read documents in english

## Teaching methods

- 27 two hours lessons held in presence, lecture face to face (DE)
- 5 two hours lessons delivered remotely (asynchronous mode)

## Assessment methods

Written examination consisting of open questions, which will be evaluated both in terms of complexity and the quality and accuracy of the answers provided by the student.

## Textbooks and Reading Materials

**Texts for all students**

One of the two following texts:

1)GAMBARO A.- SACCO R., Sistemi giuridici comparati, UTET, Last edition, Chapters I-IX, p.1-297
2) AJANI-FRANCAVILLA-PASA, Diritto Comparato, Lezioni e materiali, Giappichelli, Part I-II, p.1-288
3) CERINI, Lezioni di Diritto Comparato (in corso di pubblicazione)

Voci del Digesto, Discipline Privatistiche (disponibili on line sul sito del corso):

- Trust

-Contratto

-Responsabilità civile

Texts for students attending lessons The course will be run with a very dynamic approach and will require class discussion and examination of materials during the class hours. Students attending the course can prepare the exam with reference to those material and to the result of class hour teaching and discussion.

## Sustainable Development Goals

QUALITY EDUCATION | INDUSTRY, INNOVATION AND INFRASTRUCTURE | PEACE, JUSTICE AND STRONG INSTITUTIONS