UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Family Law in Plural Societies

2425-5-A5810259

Learning objectives

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.

The course aspires to deliver the following learning outcomes in terms of skills and competences (Dublin descriptors):

Knowledge and understanding
Knowledge and understanding of the theoretical basis of Roman family law and family law in modern legal systems; capability to elaborate and/or apply the gradually acquired knowledge to new content and original text structures.

Applying knowledge and understanding
Application of knowledge acquired during the course, through exercises of ancient and modern text analysis. Development of the ability to understand the relationship between social order and legal organization, in the field of family law.

Making judgements
Ability to combine knowledge and deal with complexity, and to make judgements on the basis of limited or incomplete information, including reflection on the social and ethical responsibilities associated with the application of their knowledge and judgements.

Communication skills
Ability to communicate clearly and unambiguously, to specialist and non-specialist interlocutors, their own ideas and considerations, as well as the theoretical basis of reasoning.

Learning skills
Development of learning ability. Aptitude for practising text analysis in a self-directed or autonomous manner.

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 conutries 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 asjudgments, 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: Reading and analysis of Roman legal and rhetorical texts (in translation): 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.

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

19 two-hour lessons held in presence, with a first part face-to-face (DE) and a second part interactive (DI).
2 two-hour lessons delivered remotely (asynchronous mode)

Assessment methods

Final oral examination (interview), to check the preparation on the topics covered in class and to test the skills acquired.

The oral exam is an interview on the topics discussed in class and indicated in the recommended study materials. Particular emphasis will be placed on the analysis of materials used in the classroom.
The examination is aimed at testing the ability to understand and explain in a clear and personal manner the fundamental topics and issues of the discipline. The assessment criteria for the skills indicated are based on knowledge and understanding of the fundamental content of the discipline and the ability to apply the knowledge acquired.

Textbooks and Reading Materials

First part of the course: materials provided by the lecturer.

Second part:
materials provided by the lecturer and 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

QUALITY EDUCATION | GENDER EQUALITY | REDUCED INEQUALITIES | PEACE, JUSTICE AND STRONG INSTITUTIONS