UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Comparative Private Law

2526-4-A5810132

Learning objectives

The course aims to provide students with the knowledge required to analyze the formants of different legal systems and the rules applied to certain institutions of private law in other jurisdictions, as well as to introduce the comparative methodology useful for the study of law.
In particular, students will be expected to achieve the following:
A) Knowledge and understanding:
To become familiar with the sources of various legal systems and assess the major differences, as well as the role of formants within the legal systems under examination.
B) Applying knowledge and understanding:
To independently research legal sources across different systems using the tools provided by comparative law and to reason based on the acquired knowledge.
C) Making judgments:
To develop the ability to compare the different solutions adopted by the legal systems being studied.
D) Communication skills:
To present rules and legal solutions with reference to the characteristics of various legal systems, using appropriate technical language.
E) Learning skills:
To acquire the tools necessary to independently analyze sources and key rules of different legal systems and to conduct comparative analysis of the solutions they apply.

Contents

The course is designed to introduce students to the study of legal systems, with a particular focus on the core components of the Western Legal Tradition, notably the common law systems (primarily English and North American) and civil law systems (primarily Italian and French). The course will also include brief references to legal systems outside the Western Legal Tradition.
This analytical framework will be developed through the application of comparative legal methodology.

Special attention will be devoted to the current structure of sources of private law and to the circulation of legal models across jurisdictions.
The course also aims to provide foundational knowledge of key legal concepts, including: contract law, tort liability, trusts, and property-related legal relationships.

Detailed program

Exam 6 ECTS Credits
Definition, functions, purposes, and methodology of comparative law
The concept of legal systematization (systemology)
Common law: origins, evolution, and circulation
Development of the Equity jurisdiction
English judicial reforms and the current system of legal sources
Stare decisis and the role of case law as a legal formant
U.S. common law and the Federal Constitution
Legal education and the role of legal professionals in common law and civil law traditions
Civil law: tradition, evolution, and circulation
The emergence of codifications
The French model
Tort liability: comparative legal notions
Notes on punitive damages and class actions
Trusts and ownership separation: introductory remarks

Exam 9 ECTS Credits
In addition to the topics listed above, the 9 ECTS exam includes the analysis and study of legal systems outside the Western Legal Tradition

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

Oral Examination
The exam consists of an oral interview covering the topics discussed in class and the assigned reading materials.

Evaluation will be based on the candidate’s actual knowledge of the subject, and the assessment criteria will

include: mastery of the course content, use of appropriate legal terminology, understanding of the fundamental concepts of the legal systems examined during the course and/or in the reference texts

Textbooks and Reading Materials

Texts for all students

AJANI-FRANCAVILLA-PASA
Diritto Comparato II - Il confronto common law/civil law
Giappichelli - Edizione 2023

CERINI DIANA VALENTINA
Lezioni di Diritto Comparato - Parte II
Giappichelli - Edizione 2025 (in corso di pubblicazione)

It is also highly recommended to consult:
CANDIAN A., GAMBARO A.
Casi e materiali per un corso di diritto privato comparato
Giappichelli, Edizione III, 2025 (in corso di pubblicazione)

**9 ECTS Credits **

In addition to the materials listed above, students are also required to study:
AJANI-FRANCAVILLA-PASA
Diritto Comparato III - Le tradizioni giuridiche asiatiche e africane
Giappichelli - Edizione 2023****

Guidance for Students Who Regularly Attend Classes
The exam program for attending students is identical to that for non-attending students.
However, attending students may also prepare for the exam using materials distributed during lectures and/or additional resources indicated by the instructor throughout the course.

Therefore, any supplementary content introduced in class as well as topics covered by guest lecturers during official course hours will be part of the exam for students who attend regularly.

Sustainable Development Goals

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