UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Comparative Law of Obligations and Contracts

2526-5-A5810188

Learning objectives

Knowledge and understanding*
The unit will approach the study of contract law in a comparative perspective in order to become familiar with the main topics of contract law in the civil law and the common law legal traditions
Ability to apply knowledge and understanding
The course aims at provide the fundamental concepts and methodological tools for the formation of an international jurist profile, in particular if interested in the area of international commercial contracts.
Autonomy of judgement
Through active participation in lectures and classroom discussions, students will be able to understand, critically analyse and present the legal issues covered in the course. In addition, they will develop skills in reading and interpreting the structure of a contract, including common law contracts.
· *Communication skills*
Active participation in lessons allows students to develop the ability to communicate effectively on legal issues, to express the concepts learned using appropriate language and to engage in discussion on the topics covered.
· Learning skills
The activities described allow students to acquire the methodological tools to further their studies and to keep themselves up to date independently.

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

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Lectures, cases discussion in class.

Assessment methods

Oral Exam on the topics cevered in te lecture and on the Text indicated
Students will be asked to demonstrate their knowledge of the main content of the topics covered.
The exam will assess in particular: knowledge of content and critical approach.

Textbooks and Reading Materials

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

QUALITY EDUCATION | PEACE, JUSTICE AND STRONG INSTITUTIONS