



Title	Comparative Private Law
Lecturer(s): Contact email address:	Dominik Dworniczak, LL. M. Dominik.Dworniczak@eui.eu
Brief description	<p>Participants are expected to gain knowledge of the main concepts of (foreign and uniform) private law(s) in a comparative perspective. The course unit 'Comparative Private Law' covers topics such as the overview of comparative law approaches, legal cultures, general private law concepts, family law, property law, contract and tort law. Additionally, one of the sessions will be devoted to European private law, including the harmonisation, unification and codification of private laws in Europe.</p> <p>Upon successful completion of the course, students will be able to understand the distinction between common law and civil law legal systems, and its relevance for comparative private law. They will also get familiarised with the main concepts of private law and how to employ them in a comparative context while taking into account the social and cultural diversity of legal institutions.</p>
Schedule	<p>Session 1: Introduction to comparative law. What does it mean to compare laws and why do we it?</p> <p>Session 2: Comparative private law: the private/public law divide, the overview of the comparative approaches to private law, the relevance of comparative law in European private law and in EU law in general.</p> <p>Session 3: Legal traditions and legal cultures: the relevance of the common-civil law divide in (comparative) private law.</p> <p>Session 4: General private law: the status of the person (natural and legal persons), the legal capability of persons and the legal relationship.</p>

	<p>Session 5: Introduction to the Comparative Family Law with the emphasis on the institution of marriage.</p> <p>Session 6: Introduction to Comparative Property Law: the notions of property, possession and real property rights.</p> <p>Session 7: Introduction to the Law of obligations: The notions of contract and tort. The typology of contracts and of different regimes of liability.</p> <p>Session 8: Law of obligations: offer, pre-contractual duties; contractual obligations and standard terms.</p> <p>Session 9: Law of obligations: Contractual responsibility and termination of the contract.</p> <p>Session 10: Law of obligations: different regimes of liability (including strict and vicarious liability), product liability and the AI liability.</p> <p>Session 11: European (Union) Private Law: harmonisation, unification and codification.</p> <p>Session 12: Case solving – written assessment.</p>
<p>Materials/Recommended readings</p>	<p>Relevant materials will be made available before each session.</p> <p>Recommended readings during the course:</p> <p>Zweigert K., Kötz H (1998), <i>An Introduction to Comparative Law</i>, 3rd eds., Oxford University Press.</p> <p>Gordley, J., Jiang H., von Mehren, A. T. (2021), <i>An Introduction to the Comparative Study of Private Law. Readings, Cases, Materials</i>, 2nd eds., Cambridge University Press.</p> <p>Reimann, M., Zimmerman, R. (2012), <i>The Oxford Handbook of Comparative Law</i>, 2nd eds., Oxford University Press.</p> <p>For more ambitious:</p> <p>Weinrib, E. J. (2012), <i>The Idea of Private Law</i>, Oxford University Press.</p>

	Ranieri, F. (2009), <i>Europäisches Obligationenrecht. Ein Handbuch mit Texten und Materialien</i> , 3rd eds., Springer.
Assessment/Exam	<p>The final grade consists of 60% from case solving during the final session and 40% from the written assignment.</p> <p>Obligatory written assignment: participants will need to hand in one written assignment providing a one-page overview of their relevant national law on the chosen subject-matter.</p> <p>Case solving: participants will receive three days before the final session the relevant materials to solve the case. The case itself, however, will be provided and solved during the final session.</p>