

**COURSE OF STUDY** (Law)

**ACADEMIC YEAR** (2024-2025)

**ACADEMIC SUBJECT** (Comparative private law CFU 9 and 6)

General information	
Year of the course	2024-2025
Academic calendar (starting and ending date)	First semester 9 <sup>th</sup> september- 6 <sup>th</sup> december
Credits (CFU/ETCS):	9 and 6 CFU
SSD	IUS/02
Language	Italian
Mode of attendance	optional

Professor/ Lecturer	
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Department and address	Dipartimento Jonico in Sistemi giuridici ed economici del Mediterraneo: Società, Ambiente, Culture
Virtual room	Microsoft Teams
Office Hours	Monday 11:15 – 12:45 Thursday 11:15 - 12:45

Work schedule			
Hours			
Total	Lectures	Hands-on (laboratory, workshops, working groups, seminars, field trips)	Out-of-class study hours/ Self-study hours
225/150	72/48	18/12	135/90
CFU/ETCS			
9 e 6	7/5	2/1	

<b>Learning Objectives</b>	<i>This course aims to get used to the idea of the coexistence/competition/convergence of national laws. It does so by choosing an elective field, particularly sophisticated due to its dating tradition: private law. For this reason, the course will explore with particular attention the dialogue between common and civil law systems, in full awareness that this is a reductive option but of immediate practical utility. The analysis will focus on areas, institutes and application sectors of great importance: from contracts to civil liability. The understanding of the juridical phenomenon will, consequently, be preferred to its detailed knowledge; and we will look at the practical application, both internally and internationally, without disdaining assessments about the level of functionality, tempered by the need to ensure interesting homologations.</i>
<b>Course prerequisites</b>	<i>The only prerequisite is to have passed (successfully) the exam of private law</i>

<b>Teaching strategies</b>	<i>Conventional teaching methodology; use of multimedia tools (power point, etc.); classroom distribution (i.e. uploading to an e-learning platform) of materials useful for the purpose of the lesson or seminar activities.</i>
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<b>Expected learning outcomes in terms of</b>	
<b>Knowledge and understanding on:</b>	<p><i>Communicating knowledge and understanding</i></p> <p><i>The student must demonstrate that he is able to argue effectively with his interlocutors about the framing and resolving of the issues underlying the economic analysis of the law</i></p> <p><i>Capacities to continue learning</i></p> <p><i>The student must demonstrate that he actually applies the fundamental knowledge acquired during the course and analyzes the different issues in the legal and economic perspective</i></p>
<b>Applying knowledge and understanding on:</b>	<p><i>The student must demonstrate that he has acquired a basic knowledge of the comparative method and of the fundamental features of the great legal traditions in their historical and contemporary evolution.</i></p>
<b>Soft skills</b>	<ul style="list-style-type: none"> <li>• <i>Making informed judgments and choices:</i> <i>The student must demonstrate that he has acquired original analysis and argumentation skills in relation to the institutes and legal systems addressed in the course. In particular, the student must show critical awareness of the cases and materials discussed in the classroom.</i></li> <li>• <i>Communicating knowledge and understanding:</i> <i>The student must communicate the knowledge acquired exhaustively and convincingly during the oral exam. In particular, the student must be able to express legal concepts and use legal categories with argumentative ability and language properties.</i></li> <li>• <i>Capacities to continue learning:</i> <i>The student must demonstrate that he has understood the main characteristics of the different legal traditions, their similarities and differences.</i></li> </ul>
<b>Syllabus</b>	
<b>Content knowledge</b>	<p><i>The course will be divided into three modules.</i></p> <p><i>The first module aims to illustrate the methodologies of legal comparison (in particular great attention will be paid to the deepening of the following profiles: the purpose of the comparison; the approval; the formants, the cryptotypes, the transplants and the circulation of macro-micro comparative models) and to introduce students to the knowledge of the main systems established in the world. After a first general overview, the attention will focus on the western legal tradition, in its variants of civil law and common law. Particular importance will be assigned to the US experience, also because of its centrality in relation to the processes of globalization.</i></p> <p><i>The second module and the third will concern the analysis, in comparative terms, of the main private law institutions, in particular civil liability and contract. For this purpose, original English materials will be distributed to students; those materials will be the subject of discussion and critical study with the direct involvement of all participants in the course. Seminars are planned to deepen, among other things, English legal terminology and the use of economic</i></p>

	<p>analysis techniques of law. For a successful participation in the course a basic knowledge of English is required.</p>
<p><b>Texts and readings</b></p>	<p><b>9 credits program:</b></p> <p>For the first module, a text chosen from the following:</p> <ul style="list-style-type: none"> <li>• V. VARANO - V. BARSOTTI, <i>La tradizione giuridica occidentale</i>, VIII edition, vol. I, Giappichelli, Turin, 2024 (limited to the following topics: Introduction to comparative law; The tradition of civil law; The tradition of common law; The legal tradition of the Nordic countries);</li> <li>• GAMBARO - R. SACCO, <i>Sistemi giuridici comparati</i>, IV edition, UTET, Turin, 2018 (limited to the following topics: Legal comparison; Diversity and uniformity in law; Western legal tradition; Common law and equity in England; The legal experience of the United States; The common roots of civil law experiences; The French model; The German model; Modern civil law systems between French and German influences).</li> </ul> <p>For the second and third modules, a text chosen from the following:</p> <ul style="list-style-type: none"> <li>• P. PARDOLESI, <i>Arricchimento da fatto illecito: i rimedi</i>, Cacucci, Bari, 2023;</li> <li>• <i>Seminari di diritto comparato</i>, by PAOLO PARDOLESI, Cacucci, Bari, 2011. [limited to the following parts: 1) all the essays in the First Section (Circulation of micro-comparative models); 2) two essays to be chosen from those present in the Second Section (Civil Liability) and, finally, 3) an essay to be chosen from those present in the Third Section (The Contracts)].</li> </ul> <p><b>6 credits program:</b></p> <p>For the first module, a text chosen from the following:</p> <ul style="list-style-type: none"> <li>• V. VARANO - V. BARSOTTI, <i>La tradizione giuridica occidentale</i>, VI edition, vol. I, Giappichelli, Turin, 2018 [limited to the following topics: Introduction to comparative law; The civil law tradition (in particular, France and Germany); The common law tradition].</li> <li>• GAMBARO - R. SACCO, <i>Sistemi giuridici comparati</i>, IV edition, UTET, Turin, 2018 [limited to the following topics: Introduction to comparative law; The civil law tradition (in particular, France and Germany); The common law tradition].</li> </ul> <p>For the second and third modules:</p> <ul style="list-style-type: none"> <li>• <i>Seminari di diritto private comparator</i>, by PAOLO PARDOLESI, Cacucci, Bari, 2011. [limited to the following parts: 1) all the essays in the First Section (Circulation of micro-comparative models); 2) an essay chosen from among those present in the Second Section (Civil Liability)].</li> </ul>

<b>Notes, additional materials</b>	<i>May be delivered photocopies relating to the study of the main Anglo-American jurisprudential cases</i>
<b>Repository</b>	
<b>Assessment</b>	
Assessment methods	<i>Oral examination</i>
Assessment criteria	<ul style="list-style-type: none"> <li>• <i>Knowledge and understanding</i> <ul style="list-style-type: none"> <li>- <i>Evaluation of the mastery of comparative language through oral presentation during the final exam;</i></li> <li>- <i>Evaluation of the ability to understand the program topics through oral presentation during the final exam.</i></li> </ul> </li> <li>• <i>Applied knowledge and understanding:</i> <ul style="list-style-type: none"> <li>- <i>Verification of understanding of the topics covered by the program through oral presentation during the final exam;</i></li> <li>- <i>verification of the interconnection capacity between the topics in a comparative perspective through the oral presentation during the final exam.</i></li> </ul> </li> <li>• <i>Autonomy of judgment:</i> <ul style="list-style-type: none"> <li>- <i>Evaluation of the ability of critical analysis of the topics covered by the program through oral presentation during the final exam;</i></li> <li>- <i>Assessment of the ability to understand legal sources through oral presentation during the final exam.</i></li> </ul> </li> <li>• <i>Communication skills:</i> <ul style="list-style-type: none"> <li>- <i>Verification of the properties of the comparative language through oral presentation during the final exam;</i></li> <li>- <i>Verification of understanding of the program topics through oral presentation during the final exam.</i></li> </ul> </li> </ul>
Final exam and grading criteria	<p><i>The final mark is awarded in thirtieths. The examination is deemed passed when the mark is greater than or equal to 18/30. They will be evaluated for the attribution of the final vote:</i></p> <ul style="list-style-type: none"> <li>- <i>correct knowledge of the course topics;</i></li> <li>- <i>the ability to express oneself</i></li> <li>- <i>the correct use of the general and specific legal language of the subject.</i></li> <li>- <i>The ability to apply knowledge</i></li> <li>- <i>The ability to criticize and formulate judgments</i></li> <li>- <i>The ability to communicate</i></li> </ul>
<b>Further information</b>	
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