

General information on the course

Course:	Comparative Private Law
Organisational unit:	Zakład Prawa Cywilnego i Prawa Międzynarodowego Prywatnego
Period:	Summer semester 2020/2021
Form of classes and number of hours:	Compulsory classes (14 h)
Form of completion:	Completion of compulsory classes in written form; written exam
Lecturer:	Bogna Kaczorowska PhD
Field of study:	I year of second-cycle full time law studies, LLM International and European Law

I. Classes programme

1. 2 March 2022 The role of comparative law in the light of private law unification
2. 16 March 2022 Introduction to contract law. Sources and scope of contract law. Concept of contract. Classification of contracts. Formation of contracts. Consensus. Pre-contractual agreements
3. 30 March 2022 Interpretation of contracts. Defects of consent. Illegality and contradiction to moral standards
4. 13 April 2022 Introduction to tort law. Features of liability in tort. Liability rules. Plurality of the liable parties. Liability for others
5. 27 April 2022 Introduction to property law. Types of real rights in selected legal systems. Real security rights. Land registration systems
6. 11 May 2022 Law of succession in comparative perspective
7. 25 May 2022 Case study (completion of classes)

II. Recommended literature

Gordley J., Jiang H., Mehren A.T. von, *An Introduction to the Comparative Study of Private Law: Readings, Cases, Materials*, Cambridge 2021.

Zweigert K., Kötz H., *Introduction to Comparative Law*, transl. T. Weir, Oxford 2011.

Machnikowski P., Drela M., Balcarczyk J., *Contract Law in Poland*, Alphen aan den Rijn 2020.

Cases, Materials and Text on National, Supranational and International Property Law, eds. S. van Erp, B. Akkermans, Oxford–Portland 2012.

Lodde A., *The European Systems of Real Estate Registration: An Overview*, „Territorio Italia” 2016, No. 1 [[electronic resource](#)].

Longchamps de Brier F., *Law of Succession: Roman Legal Framework and Comparative Law Perspective*, Warszawa 2011.

Selected supplementary literature

Zeno-Zencovich V., *Comparing Comparative Law*, [in:] *Comparare. Una riflessione fra le discipline*, a cura di G. Resta, A. Somma, V. Zeno-Zencovich, Milan 2020, <http://dx.doi.org/10.2139/ssrn.3601028>.

Polska komparatystyka prawa. Prawo obce w doktrynie prawa polskiego, red. A. Wudarski, Warszawa 2016.

Tokarczyk R., *Komparatystyka prawnicza*, Warszawa 2008.

International Comparative Legal Guides (materials available on the website <https://iclg.com/>, with particular view on product liability and real estate).

Materials prepared in the framework of the project ‘Polish private law’ carried out by the Institute of Legal Studies of Polska Akademia Nauk (PAN, Polish Academy of Sciences) available on the website <http://Polishprivatelaw.pl/> (www.ppl.pan.pl).

Cases, Materials and Text on National, Supranational and International Property Law, eds. S. van Erp, B. Akkermans, Oxford–Portland 2012.

Cases, Materials and Text on European Law and Private Law, eds. A. Hartkamp, C. Sieburgh, W. Devroe, Oxford–Portland 2017.

Beale H. et al., *Cases, Materials and Text on Contract Law*, Oxford–Portland 2010.

Cases, Materials and Text on Consumer Law, eds. H.-W. Micklitz, J. Stuyck, E. Terry, Oxford–Portland 2010.

Comparative Contract Law, eds. P.G. Monateri, Cheltenham–Northampton 2017.

Comparative Tort Law: Global Perspectives, eds. M. Bussani, A.J. Sebok, Cheltenham–Northampton 2017.

Hondius E., *Pro-active Comparative Law: The Case of Nordic Law*, „Scandinavian Studies in Law” 2007, vol. 50: What is Scandinavian Law? 2007, vol. 50, <http://www.scandinavianlaw.se/pdf/50-9.pdf>.

III. Normative acts

Selected provisions of several normative acts will be analysed in a comparative context. These will be indicated in the course of the classes.

As far as the Polish legal system is concerned, reference is going to be made mostly to the Polish Civil Code:

- ustawa z dnia 23 kwietnia 1964 r. – Kodeks cywilny (Dz. U. z 2020 r. poz. 1740, z późn. zm.)

(Act of 23 April 1964 – Civil Code, Journal of Laws 2020 item 1740, as amended)

bilingual edition:

The Civil Code. Kodeks cywilny, tłum. E. Kucharska, weryfikacja językowa M. Le Mauviel, konsultacje prawne G.E. Domański, L. Stępnia, K. Dobkowska, A. Zbiegień-Turzańska, Warszawa 2019.

The following sources, among others, will be also taken into consideration:

- French Civil Code, http://www.textes.justice.gouv.fr/art_pix/THE-LAW-OF-CONTRACT-2-5-16.pdf;
- German Civil Code: BGB, https://www.gesetze-im-internet.de/englisch_bgb/;
- Swiss Code of Obligations (Federal Act on the Amendment of the Swiss Civil Code – Part Five), <https://www.admin.ch/opc/en/classified-compilation/19110009/index.html>.

IV. Requirements to complete the classes

1. presence (one absence allowed only); active participation in class discussion
2. case study in written form.