

General information on the course

Course:	Comparative Private Law
Organisational unit:	Zakład Prawa Cywilnego i Prawa Międzynarodowego Prywatnego (Department of Civil Law and Private International Law)
Period:	Summer semester 2023/2024
Form of classes and number of hours:	Compulsory classes (14 h)
Form of completion:	Completion of compulsory classes in written form
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. 20 February 2024 The role of comparative law in the light of private law unification
2. 27 February 2024 Introduction to contract law. Sources and scope of contract law.
Concept of contract. Classification of contracts.
Formation of contracts. Consensus. Pre-contractual agreements
3. 5 March 2024 Interpretation of contracts.
Defects of consent.
Illegality and contradiction to moral standards
4. 12 March 2024 Introduction to tort law. Features of liability in tort. Liability rules.
Plurality of the liable parties. Liability for others
5. 19 March 2024 Introduction to property law. Types of real rights in selected legal
systems. Real security rights. Land registration systems
6. 26 March 2024 Law of succession in comparative perspective
7. 9 April 2024 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., Balcarczyk J., Drela M., *Contract Law in Poland*, Alphen aan den Rijn 2020

Cartwright J., *Contract Law: An Introduction to the English Law of Contract for the Civil Lawyer*
Oxford 2023

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 Bériér 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. Wu-
darski, 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, n,
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 2023 r. poz. 1610, z późn. zm.)

(Act of 23 April 1964 – Civil Code, Journal of Laws 2023 item 1610, 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. attendance (one absence allowed only); active participation in class discussion
2. case study in written form (**on campus**).