



# UNIVERSITÀ DI PISA

## PRINCIPLES OF LAW

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**ANDREA BERTOLINI**

Anno accademico  
CdS

2020/21  
MANAGEMENT FOR BUSINESS AND  
ECONOMICS  
376NN  
6

Moduli PRINCIPLES OF LAW	Settore/i IUS/01	Tipo LEZIONI	Ore 42	Docente/i ANDREA BERTOLINI FRANCESCA EPISCOPO
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### Obiettivi di apprendimento

#### *Conoscenze*

Acquiring the fundamental notions of what a legal system is, how it functions, what comparative legal analysis entails, the fundamental principles of European law and its relationship with member states, the differences between common law and civil law.

Gain fundamental knowledge of contract law, in a comparative perspective, primarily focusing on the Italian, French, German, British and US legal systems.

Acquire analytical skills to understand legal texts and to identify legal issues and solve them, based on the knowledge possessed.

#### *Modalità di verifica delle conoscenze*

\*Written exam based on an open question and one issue spotter.

In the latter the candidate needs to identify the legally relevant facts provided in a short account, determine applicable law and effectively apply it to solve the issue at hand.

\* As long as the exam will be held remotely, the open question will be made in a second part of the test, as an oral exam, to which only students who passed a minimum score in the issue spotter will be admitted.

#### *Capacità*

Knowledge of the fundamental legal notions and methodologies presented.

Analytical skills to determine (i) what facts are relevant, (ii) what legal rules apply and, (iii) what conclusions this leads to.

#### *Modalità di verifica delle capacità*

written exam

#### *Indicazioni metodologiche*

study course books and materials provided.

learn to read legal texts by looking into civil codes cited during classes

#### *Programma (contenuti dell'insegnamento)*

Course Introduction.

- Program, exam and general information (study material, how to study, office hours etc.)

First lecture:

- Definition of 'law'; function of the law

Essential concepts: legal norms, legal systems, rules/principles, juridical positions, juridical facts/acts, legal subjects

Comparative law: functions, approach and methodology

Western legal tradition; civil law and common law jurisdictions (part 1)

Western legal tradition; civil law and common law jurisdictions (part 2)

European Law

Private Law and its sources

The notion of contract and the purpose of contract law

Sources of contract law at national, European and international level.

Contract formation: offer and acceptance Form of contract and legal capacity

Contract formation: consent - the desire to be legally bound by a contract, exceptions and limitations



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Contract formation: consideration and causa

formalities: their uses, functions, and sanctions for their violation

Interpretation and gap filling, the principle of good faith (objective)

Defect of consent and misrepresentation

Prohibited contracts

Voidance and Annulment

Performance, specific performance, and responsibility for breach

damage compensation, and quantification of damages in case of breach, the termination of the contract and efficient breach theories.

The notion of consumer and its consequences in contract law; sales guarantees directive

Unfair contractual term directive

Private international law: ratio, definition, scope of application, main legal instruments, focus on contract and consumer law

### Bibliografia e materiale didattico

1. Sirena, *Introduction to Private Law*, Il Mulino, 2021 (3rd ed. If available)
2. J.M. Smits, *Contract Law. A Comparative Introduction*, Elgar 2017
3. All materials made available on the course webpage

### Indicazioni per non frequentanti

NA

### Modalità d'esame

See above

### Pagina web del corso

<https://teams.microsoft.com/l/team/19%3aa6fdb563955745339043849e02d591ae%40thread.tacv2/conversations?groupId=20023361-a7f6-4e4a-9810-eb6d2ab66a6a&tenantId=c7456b31-a220-47f5-be52-473828670aa1>

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