**The Basic Questions of Private Law in a Comparative Perspective**

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**Brief introduction**

Our target is mapping the problems, instruments, doctrines and policy that shape the basic structures of private law. There are limited numbers of cornerstones and fundamental questions in private law and the answers to them are the sources of similarities and differences among the legal systems. Some of these answers are given by legislators, some of them by court practice. I assume that comparison may result in a deeper understanding of the solutions of one’s own legal system. As a reference of comparison, depending on the given topics as well, Hungarian, German, English, and – partially – French and Austrian law are used. At some points, we have to understand social developments as well, that is, we need to refer to historical perspective too.

**Course outline**

The topics to be touched upon during the course are the followings

1. The role of general clauses and estoppel

2. The structures of ownership: abstract concept *vs* bundle of rights, objects of property, acquiring rights and role of land registration

3. The transfer of ownership in movable things

4. The binding force of contract: cause, consideration, specific performance and frustration of purpose

5. Limits of freedom of contract - information asymmetry in contract law: mistake, misrepresentation, culpa in contrahendo

6. Limits of freedom of contract – defects of consent due to duress, undue influence, usury and standard contract terms

7. Remedies for breach of contract, esp. liability for damages

8. Restitution; unjust enrichment and unjustified enrichment

9. Tort Law: basic structures and morality. State Liability

10. Law and legal culture

**Assessment**

As for the requirements of passing the course, no ordinary exam is planned but an oral presentation OR an essay held/written either individually or in groups of 2-3 students is required. The topics may rely on the students’ own jurisdiction, not necessarily on Hungarian law. The length depends on the number of participants, 10 – 25 minutes for the presentation OR5 – 15 pages for the essay.

For further questions I am available at menyhard@ajk.elte.hu.