



Universiteit Utrecht

## CIVIL TRADITIONS, CODIFICATIONS AND UNIFICATION

Civil law jurisdictions stand in the same Roman (-Dutch) tradition. The majority of these jurisdictions adhered around 1800 to exclusive codifications of private law, and abandoned the old IUS Commune. Other civil law jurisdictions did not engage in codifying private law, and continued the tradition along lines of particularly authoritative opinions, case law and fragmented legislation.

In our days a re- emergence of a European private law melts these national shades slowly away. The tendency is in a reversed direction, towards a new common law of Europe, of which the Draft Common Frame of Reference is the most important illustration. The tendency is also toward a private law, subject to supranational constitutional principles.

These mirror images (1800 vs 2010) of legal development in the mentioned jurisdictions are the object of this conference. Have jurisdictions without a codification also oriented themselves in a national way or is it a side effect from an all-encompassing codification? To what extent and in which way have Roman law, Roman-Dutch law, German Pandektist sources, or other traditional sources been authoritative or convincing for developments? On the basis of which types of arguments have these sources (not) been followed? Have these traditional arguments been able to survive in a new context of Europeanization/unification and constitutionalization? To what extent has comparative law been used as an argument in the developments in law? Have French or German traditions been of influence? What is the relationship between constitutional law and private law in the developments? What is the relationship between sources of law, e.g. authoritative tradition, legislator and case law in the developments? What is the force of tradition in Europeanization or – if any – unification? Selected topics in private law (family, contract, tort, property, procedure) will serve as object of study by experts from South Africa, Argentina, Chile, Belgium, Scotland, France, Germany and The Netherlands.

The conference is organized by prof.mr. J.H.A. Lokin, mr. J.M. Milo, prof.mr. C.H. van Rhee and prof.mr. J.M. Smits.

**Time:** Thursday, June 30, 10.00 am - 05.00 pm

**Place:** Sweelinckzaal, Drift 21, Utrecht

### **Information and registration:**

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### **Participation (including lunch):**

Participation fee is €495,00, payable on giroaccount **012.90.37** in the name of **UU Departement Rechtsgeleerdheid** with reference to **Molengraaff Instituut - Conference 30 June 2011 and your name.**

University members: €95/Students: €25

**NOvA/KNB points: 6 NOvA points are rewarded for attendance. Request is pending with the KNB.**



**PROGRAMME**  
**June 30, 2011, Utrecht**

**Chair:**

Prof.mr. J.H.A. Lokin (Utrecht University/University of Groningen)

- 09.30                    **Coffee and registration**
- 10.00 - 11.00        **Roman law tradition and Codification**  
■ Prof.mr. W.J. Zwalve (Leiden)  
■ Prof.mr. C.J.H Jansen (Nijmegen)  
*Discussion*
- 11.00 - 12.00        **Constitutional perspectives**  
■ Prof.dr. A.J. van der Walt (Stellenbosch)  
■ Dr. P. van den Berg (Groningen)  
*Discussion*
- 12.00 - 12.45        **IUS commune, Tradition and National Laws**  
■ Prof.dr. D. Heirbaut (Gent - Belgium)  
■ Dr. A. Parise (Argentina)  
*Discussion*
- 12.45 - 13.30        **Lunch**
- 13.30 - 15.00        **Harmonization in National Traditions**  
European law  
■ Dr. B. Kreße (Hagen - Germany)  
*Discussion*  
Contract law  
■ Mw. Dr. C.B.P. Mahé (VU Amsterdam)  
*Discussion*  
■ Dr. R. Momberg Uribe (Chile)  
*Discussion*  
■ mr. J.W. Oosterhuis (Maastricht)  
*Discussion*
- 15.00 – 15.30        **Coffee/Tea**
- 15.30 - 16.15        **Harmonization in National traditions**  
Intellectual property law  
■ Prof.mr. F.W. Grosheide (Utrecht)  
Transfer of claims  
■ Dr. R.G. Anderson (Glasgow)  
*Discussion*
- 16.15 – 17.15        **Tradition and Unification: Procedural and Substantive Law**  
■ Prof.mr. L.M. Coenraad (VU Amsterdam)  
■ Prof.mr. J.M. Smits (Maastricht)  
*Discussion*
- 17.15                   **Closing remarks (and drinks)**



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## Civil Traditions, Codifications and Unification 30 June 2011

### Symposium Registration Form

Family name: M/F

First name:

Institution:

Adress:

Postcode/city/country

E-mailadress:

NOvA Points: Yes/No

The registration form can be returned by e-mail to

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