

Course description 'Comparative Property Law'

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'Against a wrongdoer, possession is title.' 'En fait de meubles, la possession vaut titre.' 'Bezit geldt als volkomen titel.' All across Europe's legal systems we find these compact, enigmatic axioms, which spark the imagination of any property lawyer. In the course Comparative Property Law, we will dissect them, study the sometimes-remarkable similarities and dissimilarities in legal doctrine, and at the same time provide a common framework for the study of comparative law.

The course Comparative Property Law has a twofold aim. First, it seeks to familiarize the students with the major principles that govern English, French and Dutch property law. Attention will be paid to both the codification of legal principles, as well their emergence – or rejection – in case law. The first part of the course will be mainly devoted to the central doctrine of ownership, possession, the (requirements for) transfer of property and third-party rights. In the second part of the course, one aspect of property law will be dealt with in more detail: the comparative law of security rights.

Second, this course explores the historical development of the similarities and differences between the discussed legal systems. From the 11th century onwards, the continuous study and practical usage of Roman law in continental Europe resulted in a European '*ius commune*', which formed the foundation of all modern continental jurisdictions. Knowledge of these Roman foundations of European private law therefore provides the student with the necessary framework to understand the mentioned similarities and differences. An introduction to English common law, which experienced a parallel development *without* Roman influence, will enhance this understanding even further.