



**Mini-course on
“Comparative Private International Law”
by Professor Symeon C. Symeonides**

11-13 September 2017

Under the aegis of:

National Academy of Law Teachers (NALT)

Organized by: -

Centre for Transnational Commercial Law (CTCL)

National Law University, Delhi

Room 506, Academic Block

SCHEDULE OF LECTURES/ SESSIONS

“Comparative Private International Law in a Historical Perspective”

Date/ Time	Session I: 10:00 – 11:30 am		Session II: 12:00 – 1:30 pm		Session III: 2:30 – 4:00 pm
Mon 11-Sept	Lecture 1: Tort and contract conflicts	T E A	Lecture 2: Tort and contract conflicts	L U N C H	Lecture 3: Tort and contract conflicts
Tue 12-Sept	Lecture 4: Historical introduction		Lecture 5: “Private” and “international” in PIL		Lecture 6: Unilateralism and multilateralism.
Wed 13-Sept	Lecture 7: “Conflicts justice” vs “material justice”		Lecture 8: Legal certainty vs. flexibility		Lecture 9: Conclusions

NLUD has established a National Academy of Law Teachers (NALT) to improve quality of teaching and research. Keeping this in view, the University is organizing a 3-days mini-course on **“Comparative Private International Law” by Professor Symeon C. Symeonides, during 11-13 September 2017.**

This course will examine how different countries resolve certain conflicts between their respective laws and how they respond to some of the fundamental philosophical and methodological questions of Private International Law (PIL). After a brief exposition of how classical PIL formulated and answered these questions, the course will compare the answers given to the same questions by the nearly two hundred national PIL codifications and international conventions adopted around the world during the last fifty years.

The course consists of nine ninety-minute lectures as indicated in the attached schedule. It will cover the topics described below:

LECTURES 1-3 will explore two practical questions: (1) How India and various other countries resolve tort conflicts; and (2) To what extent these countries allow contracting parties to agree on the law that will govern their future disputes (party autonomy).

Reading Materials: Symeonides, *Codifying Choice of Law Around the World: An International Comparative Analysis*, chapters 2 and 3, pages 39-170 (copyright 2014 by Oxford University Press).

LECTURE 4 will: (a) provide a historical introduction to PIL, focusing on the classical doctrines developed in the nineteenth century, and will begin examining whether these



doctrines correspond to, and can cope with, contemporary realities; and (b) discuss the “substantivist” method of avoiding or resolving multistate conflicts by unifying or harmonizing the substantive laws of the involved states.

Reading materials: Symeonides, *Private International Law: Idealism, Pragmatism, Eclecticism*, chapters I-II, pages 35-84 (copyright 2017 by The Hague Academy of International Law) (hereinafter referred to as “book 2”).

Lectures 5-9 will examine some broader PIL questions and themes, including the following:

(1) The extent to which PIL is truly “private” and “international” law, the assumptions undergirding these terms, as well as the assumptions underlying the term “conflict of laws”, by which this subject is known in some parts of the world.

(LECTURE 5--Reading material: Book 2, chapters III-IV, pages 85-130.

(2) The two seemingly antithetical methods of choosing the applicable law— unilateralism and multilateralism—and the extent to which they co-exist in contemporary PIL systems;

(LECTURE 6--Reading material: Book 2, chapter V, pages 131-194.

(3) The dilemma between “conflicts justice” and “material justice”, namely whether, in devising solutions for conflicts of laws, PIL should aim for the law of the proper state or instead the law that will produce the proper substantive result;

(LECTURE 7—Reading material: Book 2, chapter VI, pages 195-255.

(4) The perennial tension between the need for legal certainty, on the one hand, and the desire for flexible individualized solutions, on the other hand

(LECTURE 8--Reading material: Book 2, chapters VII-VIII, pages 256-335.

LECTURE 9 will summarize the main points of the course and will suggest certain conclusions about the current state of PIL, especially in comparison with its classical foundations. **Reading material:** Book 2, chapter IX, pages 336-351.

READING LIST:

Book 1: Symeon C. Symeonides, *Codifying Choice of Law Around the World: An International Comparative Analysis* (copyright 2014 by Oxford University Press).

Book 2: Symeon C. Symeonides, *Private International Law: Idealism, Pragmatism, Eclecticism*, (copyright 2017 by The Hague Academy of International Law).