

WORKSHOP ON INTEGRATING TRANSNATIONAL LEGAL PERSPECTIVES: TORTS

By:

M. Stuart Madden
Pace University

- I. Introduction
- II. Desirability of Such Initiatives
 - A. Generally
 - B. As Regards Torts in Particular
- III. Practicality of Such Initiatives: Time Availability and Cost
 - A. Cost
 - B. Time Availability – Credit Hour Considerations
- IV. Potential Inquiries
 - A. Generally: Roman Law and/or Latin American Civil Code Law
 - B. Roman Law
 1. Influence On Modern Civil Code and Common Law
 2. Influence On Napoleonic Code
 3. Internal Coherence and Limitations
 - a. Capacity for Differentiation Between Delictual and Criminal Liability
 - b. Movement from Punishment Towards Compensation
 - C. Latin American Civil Code Law
 1. Civil Code Systems Generally
 - a. Breadth and Pertinence
 - b. Structure
 - c. Role of *stare decisis*
 - d. Influence of Learned Commentators
 1. Rationale for Limitation to Latin American Law
 2. Grounding in Napoleonic Code
 3. Grounding in Chilean Civil Code
 4. The Colombian and Other Experiences
 - a. Delict, Generally
 - b. Strict Liability and Negligence
 - c. Products Liability
 - d. Aggregative Actions
 - e. Damages

