

## 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

