

UNIVERSITY OF GRAZ

Department of Civil Law, Foreign Private
Law and Private International Law



Guest lecture

Mandatory Family Protection in
Succession Law: Forced Heirship
vs Family Provision Systems

December 11, 2024

5.00 pm – 7.00 pm

SZ 15.21, Resowi A2

University of Graz

Guest lecture

Organised by Prof. Gregor Christandl

Mandatory Family Protection in Succession Law: Forced Heirship vs Family Provision Systems

One of the most significant areas of succession law, where the intersection with family law is particularly pronounced, is that of mandatory family protection („Pflichtteil“ in Austria, „legítima“ in Spain). Most civil codes of continental Europe include provisions that reserve a portion of the estate (or its value) for certain relatives. In contrast, the common law tradition generally allows for freedom of testation, combined with a right to post-mortem maintenance provisions for relatives who demonstrate a need. The topic of mandatory family protection has been the subject of extensive debate and has gained renewed attention in recent decades due to changes in family structures. In his presentation, Juan Pablo Murga Fernandez, will compare the advantages and disadvantages of these two systems from a comparative perspective.

Juan Pablo Murga Fernández

Juan Pablo Murga Fernández is an Associate Professor of Civil Law at the University of Seville (Spain), where he teaches contract law, property law, family and succession law to undergraduate students and various courses on the LL.M. in Private Law. He has held visiting professorships at Florida International University, the University of Innsbruck (Austria), the University of Manchester, and the University of Padova (Italy).

Since 2015, he has collaborated with the Institute of European and Comparative Law at the University of Oxford, lecturing on property law and tort law in the 'Introduction to Spanish Law' course. He is currently a Visiting Research Fellow at the Institute. His research interests include contract law, property law, comparative succession law, and data protection. He is currently working on a book on family provisions and forced heirship in succession law from a comparative perspective.

Registration until December 4th: zivilrecht@uni-graz.at