

THE MÉLANGE OF INNOVATION AND TRADITION IN MALTESE LAW: THE ESSENCE OF THE MALTESE MIX?

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SUMMARY

Aim of this paper is to provide valuable insights into the Maltese legal system with a special focus on private law. The assumption is that this legal system is the by-product of the "mixing" of innovation and tradition, resulting from the interaction of English law and continental law. A major role in the development of the system is played by courts. Some examples (moral damages and pre-contractual liability) are considered which highlight the importance of the function displayed by Maltese judges.

KEYWORDS: Tradition; English law; continental law; hybridity; mixed legal systems; Maltese courts; moral damages; pre-contractual liability; *lacunae*

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