Diritto Civile 3

A comparative perspective of role played by three generations of European Constitutional Courts in the process of transition to democracy.
Intestate Succession is the second volume in the Comparative Succession Law series which examines the principles of succession law from a comparative and historical perspective. This volume discusses the rules which apply where a person dies either without leaving a valid will, or leaving a will which fails to dispose of all of the person's assets. Among the questions considered are the following: What is the nature of the rules for the disposal of the deceased's assets? Are they mechanical or is there an element of discretion? Are particular types of property dealt with in particular ways? Is there entitlement to individual assets (as opposed to money)? Do the rules operate in a parentelic system or a system of some other kind? Are spouses treated more favourably than children? What provision is made for extra-marital children, for adopted children, for step-children? Does cohabitation give rise to entitlement? How are same-sex couples treated? Broader questions also arise of a historical and comparative nature. Where, for example, do the rules in intestate succession come from in particular legal systems? Have they been influenced by the rules in other countries? How are the rules explained and how are they justified? To what extent have they changed over time? What are the long-term trends? And finally, are the rules satisfactory, and is there pressure for their reform? As in the first volume, this book will focus on Europe and on countries which have been influenced by the European experience such as Australia, New Zealand, South Africa, the United States of America, Quebec, and the countries of Latin America. Further chapters are devoted to Islamic Law and Nordic law. Opening with a discussion on Roman law and concluding with an assessment of the overall development of the law in the countries surveyed, this book will provide a wider reflection on the nature and purpose of the law of intestate succession.
This volume critically reassesses the history and impact of international law in Italy. It examines how Italy's engagement with international law has been influenced and cross-fertilized by global dynamics, in terms of theories, methodologies, or professional networks. It asks to what extent historical and political turning points influenced this engagement, especially where scholars were part of broader academic and public debates or even active participants in the role of legal advisers or politicians. It explores how international law was used or misused by relevant actors in such contexts. Bringing together scholars specialized in international law and legal history, this volume first provides a historical examination of the theoretical legal analysis produced in the Italian context, exploring its main features, and dissident voices. The second section assesses the impact on international law studies of key historical and political events involving Italy, both international and domestically; and, conversely, how such events influenced perceptions of international law. Finally, a concluding section places the preceding analysis within a broader, contemporary perspective. This volume weighs in on in the growing debate on the need to explore international law from comparative and local viewpoints. It shows how regional, national, and local contexts have contributed to shaping international legal rules, institutions, and doctrines; and how these in turn influenced local solutions.
This text provides a comprehensive guide to the principles of European contract law. They have been drawn up by an independent body of experts from each Member State of the EU, under a project supported by the European Commission and many other organizations. The principles are stated in the form of articles, with a detailed commentary explaining the purpose and operation of each article and its relation to the remainder. Each article also has extensive comparative notes surveying the national laws and other international provisions on the topic.
This book presents a broad overview of succession law, encompassing aspects of family law, testamentary law and legal history. It examines society and legal practice in Europe from the Middle Ages to the present from both a legal and a sociological perspective. The contributing authors investigate various aspects of succession law that have not yet been thoroughly examined by legal historians, and in doing so they not only add to our knowledge of past succession law but also provide a valuable key to interpreting and understanding current European succession law. Readers can explore such issues as the importance of a father’s permission to marry in relation to disinheritance, as well as inheritance transactions and private, dynastic and cross-border successions. Further themes addressed by the expert contributors include women’s inheritance rights, the laws of succession for the prince in legal consulting, and succession in the Rota Romana’s jurisprudence.
This book deals with foundation law in various European countries. It sums up contributions from the most outstanding experts in foundation law in fourteen countries. These are either civil law or common law, and their socio-economical situation is considerably different. Despite the outstanding differences in each country, foundations have been growing in number and importance all over Europe in the last decades. Political, economical and social changes occurred in various European countries increased foundations' role. The need to focus on foundations' laws and regulations arose in many States for different reasons. The contributions in this book focus in particular on the recent development of foundation law, on the evolution foundations have undergone in recent years and on trends in law.
This new book has been completely revised and updated to provide a guide to the workings of the Convention on the Contracts for the International Carriage of Goods by Road. The text takes an article by article approach, discussing the relevant English and European case law to illustrate how the courts interpret the convention in practice.
The Routledge Handbook of Contemporary Japan presents a synthesized, interdisciplinary study of contemporary Japan based on up-to-date theoretical models designed to provide readers with a comprehensive and full understanding of the dynamics of contemporary Japan. In order to achieve this, the Handbook is organized into two parts. Part I, ‘Foundations’, clarifies the state of contemporary Japan topic by topic by referring to the latest theoretical developments in the relevant disciplinary fields of politics, international relations, economy, society, culture and the personal. Part II, ‘Issues’, then offers a series of concrete analyses building upon the theoretical discussions introduced in Part I to help undergraduate and postgraduate students learn how to conduct independent analysis. Locating Japan in a comparative and interdisciplinary perspective, this Handbook is an essential resource for students and scholars interested in Japanese studies, Asian studies and global studies.
The Harvard Law Review is a student-run journal of legal scholarship. It is intended to be an effective research tool for practicing lawyers and students of the law. The Review publishes articles by professors, judges, and practitioners and solicits reviews of important recent books from recognized experts.
To provide valuable legal service to persons in today's Europe, practitioners must be conversant in both national and transnational law. At the European level, the Principles of European Contract Law (PECL) are an increasingly important element of contract law, together with national contract law, as contained in Civil Codes and various national statute. Accordingly, Kluwer Law International has initiated a series of volumes, under the direction of prof. Hondius of the University of Utrecht, comparing PECL with the most important European legal systems. This volume on Italian law is the second in the series. Using a straightforward comparative method, the editors¿ analysis not only reveals a significant area of convergence between the PECL and Italian contract law, but also highlights the main differences between the two bodies of rules. The reasons for these differences, both legal and non-legal (such as historical, social, economic), are clearly set forth. The book provides complete texts, with annotations, of the PECL and the corresponding Italian rules. The presentation proceeds as follows: general provisions (scope of application, general duties, terminology)formation of contracts (general provisions, offer and acceptance, liability for negotiations)authority of agents (general provisions, direct and indirect representation)validityinterpretationcontents and effectsperformancenon-performance and remedies in generalparticular remedies for non-performance (right to performance, withholding performance, termination of the contract,

price reduction, damages and interest) The editors commentary includes extensive reference to case law and legal doctrine at all essential points. In this way they provide a comprehensive description of the law in action as well as its evolving trends. In addition, incisive essays by two leading experts in the field of comparative law, prof. Rodolfo Sacco and prof. Michael Joachim Bonell, analyse the relationship of the PECL and Italian law and its wider framework in the harmonisation of private law at the European and international levels. The book is a valuable handbook and guide for both foreign and Italian lawyers. For non-Italian lawyers, be they practitioners or academics, it provides a concise but complete and up-to-date outline of current Italian contract law, organized on the basis of a system (PECL) with which many European lawyers are familiar. For Italian lawyers, it offers a clearer insight into a wider European legal contract system whose importance in the evolution of a common European private law is growing rapidly. Principles of European Contract Law Series 2

Vinogradoff, Paul, editor. Essays in Legal History Read Before the International Congress of Historical Studies Held in London in 1913. London: Oxford University Press, 1913. viii, 396 pp. Reprinted 2004 by The Lawbook Exchange, Ltd. ISBN 1-58477-351-0. Cloth. $85. * Complete text of papers read at the International Congress, in their native tongue, edited by Paul Vinogradoff, who presided over the section. The collection of 20 includes essays given by Gierke, Hazeltine, and Huebner, as well as "The Numismatic Illustrations of the History of Roman Law" by E. C. Clark, "The Transformation of Equity" by Sir Frederick Pollock, "The Influence of Coke on the Development of English Law" by W.S. Holdsworth, and "La Maxime Princeps Legibus Solutus est dans l'ancien Droit public francais" by E. Esmein.

Covers various European countries, Israel, South Africa, and the United States.

This book reflects the wide range of current scholarship on Roman law, covering private, criminal and public law.

Traditionally grand ducal Tuscany and its cultural politics have been viewed through the lens of absolutism. Based on a wide range of newly found sources and building on recent revisionist scholarship, this study uses the universities of Pisa and Siena to expose the contradictions and the tensions which characterised the grand duchy. Setting the universities against the diplomatic, military, administrative, economic, ecclesiastical, and cultural development of the grand duchy, it shows how innovation mixed with tradition and local privileges were not only upheld but extended significantly.

L’ampleur des enjeux humains, économiques et sociaux posés par la question des solidarités entre générations a conduit l’International society of Family Law (ISFL) à choisir ce thème pour son XVe congrès mondial. Plus de 200 intervenants, venus de 50 pays, ont abordé ces questions sous l’angle juridique, mais aussi philosophique, économique et anthropologique. Cet ouvrage présente une partie de ces communications organisées autour de deux grands thèmes : l’enfant au cœur des solidarités familiales et la prise en charge des aînés par la famille. Des phénomènes tels que l’allongement de la durée de la vie, l’urbanisation des populations, la difficulté d’entrée sur le marché du travail ou encore l’éclatement des modèles familiaux traditionnels marquent notre monde contemporain et impliquent la disparition d’anciennes solidarités et l’apparition de nouvelles solidarités redessinant les relations entre générations, posant alors le problème du sort des personnes les plus fragiles : les enfants, les malades, les handicapés et, surtout, les personnes âgées. – Quel est alors le rôle de la famille et des collectivités dans la protection de ces personnes ? – Quels rapports entre solidarités publiques et solidarités privées ? – Quels sont les droits et libertés reconnus aux personnes que l’âge, la maladie ou le handicap, placent en situation de dépendances ? Telles sont les questions au cœur de cet ouvrage. The importance of the human, economic and social issues caused by the question of generations’ solidarities led the International Society of Family Law to choose this theme for its XVIth World Congress (Lyon, July 19-23rd 2011). More than 200 speakers from 50 countries studied these questions from the legal angle, but also philosophic, economic and anthropological. This work collects a part of these papers about two great issues: the child, as the center of family solidarities; and the support for elders by family. Phenomena such as increasing life expectancy, population urbanization, labor-market entry barriers, decline of traditional family patterns, mark in depth our contemporary world and involve old solidarity disappearance and new solidarity emergence, reshaping relations between generations while bringing up the problem of the fate of the most vulnerable: children, the sick, disabled, and especially elderly people. – What then is the role of families and communities in protecting these people? – What is the relationship between public and private solidarity? – What are the rights and freedoms of people placed by age, illness or disability in a dependence situation? These are the issues addressed by the authors of this book.

The Essential 25000 English-Italian Law Dictionary is a great resource anywhere you go; it is an easy tool that has just the words you want and need! The entire dictionary is an alphabetical list of Law words with definitions. This eBook is an easy-to-understand guide to Law terms for anyone anyways at any time. The content of this eBook is only to be used for informational purposes and an invaluable legal reference for any legal system. It's always a good idea to consult a professional lawyer or attorney with legal issues. Just remember one thing that learning never stops! Read, Read, Read! And Write, Write, Write! A thank you to my wonderful wife Beth (Griffo) Nguyen and my amazing sons Taylor Nguyen and Ashton Nguyen for all their love and support, without their emotional support and help, none of these educational language eBooks and audios would be possible. The Essential 25000 Dizionario Inglese-Italiano legge è una grande risorsa ovunque tu vada; si tratta di uno strumento semplice che ha solo le parole che desideri e necessità! L'intero dizionario è un elenco alfabetico delle parole di legge con definizioni. Questo eBook è una guida di facile comprensione per i termini di legge per chiunque in ogni modo, in qualsiasi momento. Il contenuto di questo eBook è da utilizzare solo a scopo informativo e un riferimento giuridico inestimabile per tutto il sistema giuridico. E 'sempre una buona idea di consultare un avvocato professionista o avvocato con questioni legali. Basta ricordare una cosa che l'apprendimento non si ferma mai! Leggere, leggere, leggere! E Scrivere, scrivere, scrivere! Un grazie alla mia meravigliosa moglie Beth (Griffo) Nguyen ei miei figli sorprendenti Taylor Nguyen Nguyen e Ashton per tutto il loro amore e sostegno, senza il loro sostegno emotivo e di aiuto, nessuno di questi eBook lingua di istruzione e audio sarebbe possibile.

This volume contains papers from the technical program of the 7th Extended Semantic Web Conference (ESWC 2010), held from May 30 to June 3, 2010, in Heraklion, Greece. ESWC 2010 presented the latest results in research and

applications of Semantic Web technologies. ESWC 2010 built on the success of the former European Semantic Web Conference series, but sought to extend its focus by engaging with other communities within and outside Information and Communication Technologies, in which semantics can play an important role. At the same time, ESWC has become a truly international conference. Semantics of Web content, enriched with domain theories (ontologies), data about Web usage, natural language processing, etc., will enable a Web that p- vides a qualitatively new level of functionality. It will weave together a large network of human knowledge and make this knowledge machine-processable. Various automated services, based on reasoning with metadata and ontologies, will help the users to achieve their goals by accessing and processing infor- tion in machine-understandable form. This network of knowledge systems will ultimately lead to truly intelligent systems, which will be employed for va- ous complex decision-making tasks. Research about Web semantics can bene?t from ideas and cross-fertilization with many other areas: arti?cial intelligence, natural language processing, database and information systems, information - trieval, multimedia, distributed systems, social networks, Web engineering, and Web science.

The book explores, from a comparative and inter-disciplinary perspective, the relationship between fundamental rights and private law in Europe, a debate usually referred to as Drittwirkung or ‘horizontal effect of fundamental rights’. It discusses the different models of ‘horizontal effect’ and the impact that fundamental rights may have in shaping tort law, especially the position of child tortfeasors. The book concentrates on several European jurisdictions, namely France, Italy, Germany, Portugal, Sweden, Finland, and England and Wales. At a crossroad between human rights and European private law, this study draws insights from several legal fields (international, European, tort, constitutional and child law), sociology, psychology, and feminist studies. It also considers policy implications and advances proposals which would ensure the optimisation of the effect, and maximisation of the effectiveness, of fundamental rights in tort law, and more generally in private law. This book departs from traditional legal doctrines and offers a more pragmatic, comprehensive and just legal analysis of the role of fundamental rights in private law. It will be of interest to undergraduate and postgraduate students, academics, practitioners, policy-makers and activists with an interest in human rights, tort law, comparative law, children’s rights and European private law.

Il volume si occupa dell’istituto dell’amministrazione di sostegno, nuova disciplina introdotta nel codice civile con la legge n. 6 del 2004, che ha istituito una nuova figura (quella dell’amministratore di sostegno, appunto) accanto agli altri istituti a tutela delle persone incapaci (interdizione, inabilitazione, incapacità naturale). Secondo quanto previsto dalla legge di riforma, infatti, tutti i soggetti che, a causa di una infermità o di una menomazione fisica o psichica si trovino nell’impossibilità (anche parziale o temporanea) di provvedere ai propri interessi, possono ora essere assistiti da un amministratore di sostegno, appositamente nominato dal giudice. Sono affrontati, tenendo conto della recente normativa e della giurisprudenza formatasi in materia, tutti gli aspetti caratterizzanti questo rivoluzionario istituto, a partire dal procedimento di nomina ad amministratore, per giungere agli effetti, alla responsabilità , fino alle possibili interferenze con altri istituti di diritto privato. STRUTTURA Parte I: L'amministrazione di sostegno. Parte II: Procedimento per la nomina dell’amministratore di sostegno Parte III: Effetti dell’amministrazione Parte IV: Cessazione dell’amministrazione Parte V: Vigilanza sull’amministratore Parte VI: Responsabilità dell’amministratore di sostegno Parte VII: Possibili interferenze tra la carica di amministratore e gli altri istituti a tutela degli incapaci (interdizione, inabilitazione) Parte VIII: Interventi alternativi all’amministrazione di sostegno Parte IX: “Grandi questioni” Il volume ricalca la struttura tipica del Trattato teorico pratico di diritto privato diretto da Guido Alpa e Salvatore Patti; come è proprio di volumi del Trattato, anche questo si chiude con una parte dedicata interamente alle “Grandi questioni”. All’interno è possibile trovare una selezione di casi che rappresentano una summa delle questioni di maggiore interesse, selezionate dall’autore, accompagnate da una soluzione data tenendo conto della normativa in materia e dalla più recente giurisprudenza.

The Unidroit Principles of International Contracts, first published in 1994, have met with extraordinary success in the legal and business community worldwide. Prepared by a group of eminent experts from all major legal systems of the world, they provide a comprehensive set of rules for international commercial contracts. Available in more than 20 language versions, they are increasingly being used by national legislatures as a source of inspiration in law reform projects, by lawyers as guidelines in contract negotiations and by arbitrators as a legal basis for the settlement of disputes. In 2004 a new edition of the Unidroit Principles was approved, containing five new chapters and adaptations to take into account electronic contracting. This new edition of An International Restatement of Contract Law is the first comprehensive introduction to the Unidroit Principles 2004. In addition, it provides an extensive survey and analysis of the actual use of the Unidroit Principles in practice with special emphasis on the different ways in which they have been interpreted and applied by the courts and arbitral tribunals in the hundred or so cases reported worldwide. The book also contains the full text of the Preamble and the 180 articles of the Unidroit Principles 2004 in Chinese, English, French, German, Italian and Russian as well as the 1994 edition in Spanish. Published under the Transnational Publishers imprint.

In the wake of the global financial crisis, investors have suffered significant losses as a result of breaches of conduct of business rules in the distribution of financial instruments. MiFID II introduced new disclosure, distribution and product governance rules to strengthen the protection of investors but, like MiFID I, did not harmonise the civil law consequences for their violation. This book asks whether, in spite of the silence of the EU legislators, the MiFID II conduct of business rules may produce civil law effects, enabling investors to enforce them against investment firms before national courts and alternative dispute resolution (ADR) mechanisms. Building on the case law of the CJEU, the book shows the conditions under which the breach of MiFID II conduct of business rules should give rise to a private law remedy, and what remedies would be compatible with EU law. MiFID II and Private Law is an essential contribution to academic research in EU and financial law and will be a key text for policy-makers and legal practitioners working in the field of investor protection regulation and mis-selling litigation.

The provisions of the French Civil Code governing the law of obligations have remained largely unchanged since 1804 and have served as the model for civil codes across the world. In 2016, the French Government effected major reforms of the provisions on the law of contract, the general regime of obligations and proof of obligations. This work explores in detail the most interesting new provisions on French contract law in a series of essays by French lawyers and comparative lawyers working on French law and other civil law systems. It will make these fundamental reforms accessible to an English-speaking audience.

The Yale Law Journal publishes scholarly articles and essays covering a broad range of legal and law-related topics. The Journal also includes case notes and book reviews.

Annually published since 1930, the International bibliography of Historical Sciences (IBOHS) is an international bibliography of the most important historical monographs and periodical articles published throughout the world, which deal with history from the earliest to the most recent times. The works are arranged systematically according to period, region or historical discipline, and within this classification alphabetically. The bibliography contains a geographical index and indexes of persons and authors.

This third edition of International Arbitration Law and Practice has been largely enriched by covering international commercial arbitrations, investment treaty arbitrations, arbitrations between public bodies, between states and individuals, the UNCITRAL model law and Iran-US Tribunal proceedings as well as commodity arbitration, online arbitration and sports arbitral proceedings. International Arbitration Law and Practice, 3rd edition elaborates new concepts such as a definition of international arbitration based on procedural law (different from transnational law) and a doctrine (the tronc commun doctrine) to identify the applicable substantive law on disputes between parties belonging to different countries. It further suggests that a law of international arbitration has arisen from the various conventions and laws. Besides dealing with all the aspects of arbitration on a topic by topic basis, the writer presents a third generation arbitration which builds on analysis of major obstacles to a smooth running arbitration.International Arbitration Law and Practice, 3rd edition is a work that anyone involved in arbitral proceedings will find to be absolutely indispensable.

No Sales rights in German-speaking countries, Eastern Europe, Portugal, Spain, Italy, Greece, South and Central America

This book’s basic hypothesis – which it proposes to test with a cognitive-sociological approach – is that legal behavior, like every form of human behavior, is directed and framed by biosocial constraints that are neither entirely genetic nor exclusively cultural. As such, from a sociological perspective the law can be seen as a super-meme, that is, as a biosocial constraint that develops only in complex societies. This super-meme theory, by highlighting a fundamental distinction between defensive and assertive biases, might explain the false contradiction between law as a static and historical phenomenon, and law as a dynamic and promotional element. Socio-legal scholars today have to face the challenge of pursuing a truly interdisciplinary approach, connecting all the fields that can contribute to building a modern theory of normative behavior and social action. Understanding and framing concepts such as rationality, emotion, or justice can help to overcome the significant divide between micro and macro sociological knowledge. Social scientists who are interested in the law must be able to master the epistemological discourses of different disciplines, and to produce fruitful syntheses and bridge-operations so as to understand the legal phenomenon from each different point of view. The book adopts four perspectives: sociological, psychological, biological-evolutionary and cognitive. All of them have the potential to be mutually integrated, and constitute that general social science that provides common ground for exchange. The goal is to arrive at a broad and integrated view of the socio-legal phenomenon, paving the way for a comprehensive theory of norm-oriented and norm-perceived actions.

This book explores the development of law in Europe from its medieval origins to the present day, charting the transformation from law rooted in the Church and local community towards a recognition of the centralised, secular authority of the state. Shows how these changes reflect the wider political, economic, and cultural developments within European history Demonstrates the diversity of traditions between European states and the possibilities and limitations in the search for common European values and goals

Principles of European Contract LawParts I and IIKluwer Law International B.V.

First multi-year cumulation covers six years: 1965-70.

Periodico semestrale del Dipartimento di Giurisprudenza

This book explains, compares and assesses the legal implications of Dieselgate within a range of selected jurisdictions and at the EU, international and comparative law level.The book analyses the US EPA-VW $14.7 billion dollar settlement of 2016, one of the largest civil settlements in the history of environmental law. As it shows, the Dieselgate affair has raised a host of issues concerning corporate and social responsibility, tort liability, environmental liability, contractual defective products, warranty, and false environmental claims in a range of jurisdictions. Issues like repurchasing or retrofitting cars from consumers and making direct payments to consumers through car buy-backs and compensation are analysed. Further, the book relates how Dieselgate has also contributed to the discussion about the introduction of more effective collective measures of redress for consumers, such as class actions, in Germany, France, Italy and the UK.The book subsequently reviews the criminal offences Volkswagen is currently confronted with in Germany, France and Italy, i.e. fraud and manipulation of capital markets (by belatedly providing shareholders with essential information relevant for the share value), and, potentially, environmental crimes. It demonstrates how Dieselgate has sparked new debates in Germany, Italy, France and the UK about the need to introduce enterprise liability for organised crimes, lack of compliance and control structures, and intentional violations of the law.Lastly, the book discusses how EU law has sought to respond to Dieselgate and thus investigates the controversial EU Regulation No. 2016/646 introducing a "temporary conformity factor" of 2.1 (equivalent to a 110% increase on the current limit) to be applied for NOx in the new RDE testing cycle, and the works of the EU committee of inquiry into Emissions Measurements in the Automotive Sector (EMIS).