

Italian Private Law By Guido Alpa

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The Making of the Civil Codes - Michele Graziadei 2022-11-21

The book provides in-depth analysis of the new perspectives on codifications, and of the related reforms, that give recognition to new ideas, new needs, and new techniques. The contributions from several jurisdictions collected in this book provide a much needed evaluation of the current impact of codification on the law and are a first, essential reference for assessing the importance of civil law codifications in the contemporary world.

Courts and Comparative Law - Mads Andenas 2015-07-30

While the role of comparative law in the courts was previously only an exception, foreign sources are now increasingly becoming a source of law in regular use in supreme and constitutional courts. There is considerable variation between the practices of courts and the role of comparative law, and methods remain controversial. In the US, the issue has been one of intense public debate and it is still one of the major dividing issues in the discussion about the role of the courts.

Contributing to the existing discussion of the use of comparative law in the courts, this book provides an inclusive, coherent, and practical analysis of the relevant law and jurisprudence in comparative law in the courts. It examines the consequences for court procedures and the form of judgments, as well as how foreign sources are drawn upon in private international law, European law, administrative law, and constitutional

law as well as before general courts. The book also includes case studies of comparative law used in particular spheres of the law, such as tort law and consumer law. Written by practising judges and lawyers as well as leading academics, this book serves as a central reference point concerning the role of comparative law before the courts.

Economic Analysis of the DCFR - Filomena Chirico 2010-03-12

The Economic Impact Group (EIG) was created to support the work on the DCFR with insights from law and economics. It brings together a number of leading European law and economics scholars. The Group looked at the main elements of the DCFR with two questions in mind: from an economic perspective, is it sensible to harmonize private law across Europe for this specific element, and is the solution chosen in the DCFR optimal? This book presents the outcome of the work of the EIG. It deals with key issues such as the function of contract law, contract formation, good faith, non-discrimination, specific performance versus damages, standard contractual terms and consumer protection in contract law. The EIG complements the work of the drafters of the DCFR with insightful and critical assessments, based on the well-established law and economics literature.

The New European Private Law: Vol. 3: Essays on the Future of Private Law in Europe - Martijn Hesselink 2002-10-16

In The New European Private Law, Martijn W. Hesselink presents a

revised and supplemented collection of essays written over the last five years on European private law. He argues that the creation of a common private law in Europe is not merely a matter of rediscovering the old *ius commune* or of neutrally establishing the present 'common core' which may be codified in a European Civil Code. Rather, it is a matter of making choices, some of which may be highly controversial. In this book he discusses some of the most important choices which will have to be made with regard to culture, principles, politics, models, rights, concepts and structure in the new European private law.

EU Law Stories - Fernanda Nicola 2017-05-29

Through an interdisciplinary analysis of the rulings of the Court of Justice of the European Union, this book offers 'thick' descriptions, contextual histories and critical narratives engaging with leading or minor personalities involved behind the scenes of each case. The contributions depart from the notion that EU law and its history should be narrated in a linear and incremental way to show instead that law evolves in a contingent and not determinate manner. The book shows that the effects of judge-made law remain relatively indeterminate and each case can be retold through different contextual narratives, and shows the commitment of the European legal elites to the experience of legal reasoning. The idea to cluster the stories around prominent cases is not to be fully comprehensive, but to re-focus the scholarship and teaching of EU law by moving beyond the black letter and unravel the lawyering techniques to achieve policy results.

Compensation for Personal Injury in English, German and Italian Law - Basil Markesinis 2005-02-24

Cross-border claims for personal injuries are becoming more common. Furthermore, European nationals increasingly join class actions in the USA. These tendencies have created a need to know more about the law of damages in Europe and America. Despite the growing importance of this subject, there is a dearth of material available to practitioners to assist them in advising their clients as to the heads of damage recoverable in other countries. This book aims to fill that gap by looking at the law in England, Germany and Italy. It sets out the raw data in the

wider context of tort law, then provides a closer synthesis, largely concerned with methodological issues, and draws some comparative conclusions.

Italian Books and Periodicals - 1998

Capitalmarkets in the Age - Ferrarini 2002-03-28

28 authors discuss the current and future issues affecting investment, conduct of business rules, stock exchanges, trading and company law. Includes conflict of law issues; on-line trading; clearing and settlement systems; takeovers; and relevant soft law.

The Sharing Economy - Maria Regina Redinha 2018-11-21

The sharing economy is just one of several possible expressions to designate the complex model of social and economic relationships based on the intensive use of digital technology. Constant permutations and combinations allow these relationships to be established through the intervention of a third party making traditional contractual positions flexible in such a way that today's employee is tomorrow's entrepreneur, or today's consumer is tomorrow's supplier of goods and services. The current legal framework is, in many respects, unable to accommodate such big changes and new legal regulations are required where adaptation of the existing ones proves to be inadequate. This book highlights where changes are needed and where adaptations are required, with a particular focus on the Portuguese, Spanish, Italian, British and Brazilian contexts. For that, four different approaches are undertaken, namely the meta-legal, macro-legal, micro-legal and transnational approaches. The study that results from these different approaches enables readers to acquire a general view on the current legal problems arising from the sharing economy, and was a direct result of a research project of the Centre for Legal and Economic Research, at the University of Porto, funded by Fundação para a Ciência e Tecnologia.

The Age of Rebuilding - Guido Alpa 2007

Legal systems in Europe are now converging, and the *acquis communautaire* is helping this process. Legal cultures are merging too. Legislators and judges can profit from foreign experiences when they try

to achieve a satisfactory balancing of conflicting interests. The needs of a general codification are now challenged. It is necessary to 'rebuild' the old machine of the law, taking into account the living sources emerging within society. In Italy, as well as in Europe at large, soft law is now replacing hard law. Italian private law is under a complex and fascinating process of evolution. Its Roman and French roots, and the legacy of the codification age, are now merged with EC law and with other sources of law. This book - divided into five parts - examines Italian private law. Part I is devoted to the resolution of some of the most important and difficult problems in private law - the definition of personal injury and the application of various methods of calculation of damages, the hypotheses of strict liability in tort area, environmental damage, freedom of contract, and the results of the application of the EC Directive on unfair clauses in consumer contracts. Part II looks at commercial law, considering consumers' interests, financial services (and the Parmalat case), competition and fair trade, mergers, and the transparency of banking contracts. The legal profession, as now regulated in Italy, is the subject developed in Part III. Part IV and Part V end the book with reviews of some relevant contributions of English jurists to the discussion of the present needs of legal systems in Europe and includes an essay on the new aspects and meanings of legal certainty.

Current Publications in Legal and Related Fields - 2008

Medical Malpractice and Compensation in Global Perspective -

Ken Oliphant 2013-10-29

The papers in this collection are drawn from a symposium held in Vienna in December 2010. Organised by the Institute for European Tort Law and the Chicago-Kent Law Review, in collaboration with the European Centre of Tort and Insurance Law, the conference drew together legal experts from 14 national or regional systems across six continents. Medical malpractice and compensation for medical injuries are issues which regularly create tension and innovation in national legal systems but the analysis of these areas is often limited to national audiences. This study examines the issues in a uniquely global context, demonstrating the

breadth of approaches currently taken around the world and revealing key areas of tension and the likely direction of future developments. Wherever possible, the analysis is supported by reference to empirical data. The 14 legal systems covered in the collection are Austria, Brazil, Canada, China, France, Germany, Italy, Japan, New Zealand, Poland, Scandinavia, South Africa, the United Kingdom and the United States. A general comparative introduction completes the collection.

IBSS: Political Science: 2008 Vol. 57 - The British Library of Political and Economic Science 2009-11-04

First published in 1952, the International Bibliography of the Social Sciences (anthropology, economics, political science, and sociology) is well established as a major bibliographic reference for students, researchers and librarians in the social sciences worldwide. Key features: * Authority: Rigorous standards are applied to make the IBSS the most authoritative selective bibliography ever produced. Articles and books are selected on merit by some of the world's most expert librarians and academics. * Breadth: Today the IBSS covers over 2000 journals - more than any other comparable resource. The latest monograph publications are also included. * International Coverage: The IBSS reviews scholarship published in over thirty languages, including publications from Eastern Europe and the developing world. * User friendly organization: all non-English titles are word sections. Extensive author, subject and place name indexes are provided in both English and French.

The Making of Consumer Law and Policy in Europe - Hans-W Micklitz 2021-11-04

This book analyses the founding years of consumer law and consumer policy in Europe. It combines two dimensions: the making of national consumer law and the making of European consumer law, and how both are intertwined. The chapters on Germany, Italy, the Nordic countries and the United Kingdom serve to explain the economic and the political background which led to different legal and policy approaches in the then old Member States from the 1960s onwards. The chapter on Poland adds a different layer, the one of a former socialist country with its own

consumer law and how joining the EU affected consumer law at the national level. The making of European consumer law started in the 1970s rather cautiously, but gradually the European Commission took an ever stronger position in promoting not only European consumer law but also in supporting the building of the European Consumer Organisation (BEUC), the umbrella organisation of the national consumer bodies. The book unites the early protagonists who were involved in the making of consumer law in Europe: Guido Alpa, Ludwig Krämer, Ewa Letowska, Hans-W Micklitz, Klaus Tonner, Iain Ramsay, and Thomas Wilhelmsson, supported by the younger generation Aneta Wiewiórowska Domagalska, Mateusz Grochowski, and Koen Docter, who reconstructs the history of BEUC. Niklas Olsen and Thomas Roethe analyse the construction of this policy field from a historical and sociological perspective. This book offers a unique opportunity to understand a legal and political field, that of consumer law and policy, which plays a fundamental role in our contemporary societies.

[Guide to International Legal Research](#) - The George Washington International Law Review 2019-08-02

The Guide to International Legal Research is an authoritative and comprehensive reference tool for law students and practitioners. Authored annually by The George Washington International Law Review, the Guide is designed to assist both novices and professionals with their international legal research. Following an introduction by Professor Christopher J. Borgen, the Guide is organized into two parts. In the first part, chapters are divided by regions. Each regional chapter includes an overview of the geopolitical climate in that region and lists government resources, legal resources, media resources, and resources by topic. Where appropriate, these sources are subdivided by country. Many of the chapters discuss general multi-national organizations as well as international trade organizations and agreements that are specific to the region. The Guide also provides an overview of what each source covers and how it can be most effective. The second part of the Guide covers substantive areas of international law, including general international law, public health law, space law, human rights law, group rights,

intellectual property, international trade, international business transactions, tax law, environmental law, labor law, and international security law, among other topics. Much like the regional sections, the substantive chapters begin with a section on international governance followed by a section on secondary sources pertinent to that subject area.

Contract Law - Neil Andrews 2015-05-14

Significantly streamlined and updated, this second edition provides a clear introduction to all topics in the contract law curriculum.

Annual of German and European Law - Russell A. Miller 2004

Complementing the highly successful online German Law Journal, this new publication aims to deepen and develop some of the issues discussed in the Journal as well as to take up new questions and directions of commentary. Focusing on pressing legal questions of socio-political relevance, it offers scholarly articles, reports, book reviews and selected statutes or court decisions in English translation in all fields of German and European Law. The main objective is to offer border-transcending and interdisciplinary research into fast moving areas of the law, often involving a complex array of institutional, political, and private actors.

The Evolutionary Interpretation of Treaties - Eirik Bjorge 2014

The question of whether the meaning of terms used in treaties can evolve over time is highly contentious within international law. This book examines how treaties should be interpreted, and how best to marry the intention of the parties to the treaty with the changing socio-political context over time.

Theory of Legal Personhood - Visa A. J. Kurki 2019

Présentation de l'éditeur: "This work offers a new theory of what it means to be a legal person and suggests that it is best understood as a cluster property. The book explores the origins of legal personhood, the issues afflicting a traditional understanding of the concept, and the numerous debates surrounding the topic."

Legal Origins and the Efficiency Dilemma - Nuno Garoupa 2016-12-08

Inherent flaws of the legal origins in researching the field of corporate law: the taxonomy of countries -- Inherent flaws of the legal origins in

researching the field of corporate law: coding errors -- The inherent dangers of the persisting influence of legal origins theory on the international level -- The US and EU: legal origins and individual institutes in US and EU corporate laws -- Bibliography -- Index
Precontractual Liability: Reports to the XIIIth International Congress of Comparative Law, Montreal, Canada, 18-24 August 1990 - E. H. Hondius 1991-07

This book contains a general report and national reports on the subject of 'Precontractual Liability'. The national contributions on the subject of precontractual liability have been organized in accordance with a structured questionnaire by the Editor. They cover an introduction and a variety of subjects, such as tort, violation of duty, utmost good faith, termination of negotiation, estoppel, preliminary agreements, etc. Apart from a general report, this book contains national contributions from the following countries: Australia, Austria, Belgium, Canada, Czechoslovakia, Denmark, France, Germany, Great Britain, Israel, Italy, Japan, The Netherlands, New Zealand, Puerto Rico, Sweden, Switzerland, Turkey, United States and Yugoslavia.

Comparative Law of Obligations - Vicente, Dário M. 2021-12-09

This comprehensive book provides a comparative overview of legal institutions that intersect with everyday life: contracts, unilateral legal transactions, torts, negotiorum gestio and unjust enrichment. These institutions form the core of the Law of Obligations, which is examined in this book from the perspective of all major legal traditions including Civil, Common, Islamic and Chinese law.

Symposium - 2009

European Legal Traditions and Israel - Alfredo Mordechai Rabello 1994

International Journal of Legal Information - 2008

Due Process of Law Beyond the State - Giacinto della Cananea 2016-09-22

Traditionally the issues concerning the exercise of administrative powers by public authorities were considered a type of national enclave. It was the responsibility of the state to ensure that adequate procedural safeguards were in place to prevent the government from interfering with the rights of its citizens. During the last few decades, however, a variety of sets of rules regarding procedural due process has developed to govern the conduct of those public authorities who operate on a regional or world regulatory footing, such as the European Union and the World Trade Organization. Analysing the procedural due process requirements applicable to administrative procedure beyond the borders of the States, this volume demonstrates how regional and global regulatory regimes impose requirements that are strikingly similar to those set out by the most developed legal systems of the world. The book argues that such requirements of administrative procedure are justified not only by the traditional concerns for the protection of individual interests against the misuse of power by public authorities, but also by other values, such as good governance and cooperation between public authorities. Finally, the book conceptualizes such rules as legal requirements which arbitral tribunals and other agencies should respect when interpreting standards of justice.

Bibliographie Mensuelle - United Nations Library (Geneva, Switzerland) 2009

The Italian Legal System - Michael A. Livingston 2015-10-21

For fifty years, the first edition of *The Italian Legal System* has been the gold standard among English-language works on the Italian legal system. The book's original authors, Mauro Cappelletti, John Henry Merryman, and Joseph M. Perillo, provided not only an overview of Italian law, but a definition of the field, together with an important contribution to the general literature on comparative law. The book explains the unique "Italian style" in doctrine, law, and interpretation and includes an extremely well-written introduction to Italian legal history, government, the legal profession, and civil procedure and evidence. In this fully-updated and revised second edition, authors Michael A. Livingston, Pier

Giuseppe Monateri, and Francesco Parisi describe the substantial changes in Italian law and society in the intervening five decades—including the creation and impact of the European Union, as well as important advances in comparative law methodology. The second edition poses timely, relevant questions of whether and to what extent the unique Italian style of law has survived the pressures of European unification, American influence, and the globalization of law and society in the intervening period. *The Italian Legal System, Second Edition* is an important and stimulating resource for those with specific interest in Italy and those with a more general interest in comparative law and the globalization process.

The Making of Consumer Law and Policy in Europe - Hans-W Micklitz 2021-11-04

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offers a unique opportunity to understand a legal and political field, that of consumer law and policy, which plays a fundamental role in our contemporary societies.

Oregon Review of International Law - 2000

The Foundations of European Private Law - Roger Brownsword
2011-09-19

There remains an urgent need for a deeper discussion of the theoretical, political and federal dimensions of the European codification project. While much valuable work has already been undertaken, the chapters in this volume take as their starting point the proposition that further reflection and critical thought will enhance the quality and efficacy of the on-going work of the various codification bodies. The volume contains chapters by representatives of the Common Frame of Reference, the Study Group and the Acquis Group as well as by those who have not been involved in particular projects but who have previously commented more distantly on their work - for instance those belonging to the Trento Group, and the Social Justice Group. The chapters between them represent the most comprehensive attempt so far to survey the state of the codification project, its theoretical, political and federal foundations and the future prospects for enforcement and compliance.

Italian Private Law - Guido Alpa 2007-05-15

Italian Private Law provides an excellent overview and analysis of Italian private law and its transition from the early twentieth century legal tradition to a system based on constitutional values, geared towards European integration. Exploring the eclectic yet systematically solid foundations of Italian private law, which has adapted itself to the ever growing pressure of EU legislation, Alpa and Zenovich look at the legislative system as well as the profound influence of case-law and legal scholarship. It examines: family law succession legal persons businesses and companies property law contract law tort law. This volume is a key resource for legal scholars, practitioners and students who want to gain a deeper knowledge of Italian private law in their research, professional or academic activity.

Engaging with Foreign Law - Basil S Markesinis 2009-03-30

This book presents a developed theory of how national lawyers can approach, understand, and make use of foreign law. Its theme is pursued through a set of detailed essays which look at the courts as well as business practice and, with the help of statistics, demonstrate what type of academic work has any impact on the 'real' world. Engaging with Foreign Law thus aims to carve out a new niche for comparative law in this era of globalisation, and may also be the only book which deals in some depth with both private and public law in countries such as England, Germany, France, South Africa, and the United States.

Methods of Comparative Law - P. G. Monateri 2012-01-01

Comprising an array of distinguished contributors, this pioneering volume of original contributions explores theoretical and empirical issues in comparative law. The innovative, interpretive approach found here combines explorative scholarship and research with thoughtful, qualitative critiques of the field. The book promotes a deeper appreciation of classical theories and offers new ways to re-orient the study of legal transplants and transnational codes. *Methods of Comparative Law* brings to bear new thinking on topics including: the mutual relationship between space and law; the plot that structures legal narratives, identities and judicial interpretations; a strategic approach to legal decision making; and the inner potentialities of the 'comparative law and economics' approach to the field. Together, the contributors reassess the scientific understanding of comparative methodologies in the field of law in order to provide both critical insights into the traditional literature and an original overview of the most recent and purposive trends. A welcome addition to the lively field of comparative law, *Methods of Comparative Law* will appeal to students and scholars of law, comparative law and economics. Judges and practitioners will also find much of interest here.

Testamentary Formalities - Kenneth G. C. Reid 2011

Launching a major new research project examining the principles of succession law in comparative perspective, this volume analyses the formalities imposed by the law on making a will across a wide range of

European and international jurisdictions.

The Harmonisation of European Contract Law - Stefan Vogenauer 2006-03-16

After an extended period in which the European Community has merely nibbled at the edges of national contract law, the bite of a 'European contract law' has lately become more pronounced. Many areas of law, from competition and consumer law to gender equality law, are now the subject of determined efforts at harmonisation, though they are perhaps often seen as peripheral to mainstream commercial contract law. Despite continuing doubts about the constitutional competence of the Commission to embark on further harmonisation in this area, European contract law is now taking shape with the Commission prompting a debate about what it might attempt. A central aspect of this book is the report of a remarkable survey carried out by the Oxford Institute of European and Comparative Law in collaboration with Clifford Chance, which sought the views of European businesses about the advantages and disadvantages of further harmonisation. The final report of this survey brings much needed empirical data to a debate that has thus far lacked clear evidence of this sort. The survey is embedded in a range of original and up-to-date essays by leading European contract scholars reviewing recent developments, questioning progress so far and suggesting areas where further analysis and research will be required

Private Law in European Context Series - 2002

The Oxford Handbook of Comparative Law - Mathias Reimann 2019-03-26

This fully revised and updated second edition of *The Oxford Handbook of Comparative Law* provides a wide-ranging and diverse critical survey of comparative law at the beginning of the twenty-first century. It summarizes and evaluates a discipline that is time-honoured but not easily understood in all its dimensions. In the current era of globalization, this discipline is more relevant than ever, both on the academic and on the practical level. The Handbook is divided into three main sections. Section I surveys how comparative law has developed and

where it stands today in various parts of the world. This includes not only traditional model jurisdictions, such as France, Germany, and the United States, but also other regions like Eastern Europe, East Asia, and Latin America. Section II then discusses the major approaches to comparative law - its methods, goals, and its relationship with other fields, such as legal history, economics, and linguistics. Finally, section III deals with the status of comparative studies in over a dozen subject matter areas, including the major categories of private, economic, public, and criminal law. The Handbook contains forty-eight chapters written by experts from around the world. The aim of each chapter is to provide an accessible, original, and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come. Each chapter also includes a short bibliography referencing the definitive works in the field.

What is Private Law? - Guido Alpa 2010

The Italian original of this book, *Che cos'è il diritto privato?*, is widely recognized as an influential treatise on the basic methods of legal science, introducing the student to the main institutions and theories of Italian and European Private law, as well as to the basic ideas and principles related to the concept, function and purpose of Italian and European Private law. In translation, this book thus provides any reader

with the perspective of the Italian student of law on the ideas that have shaped legal practice in Italy and on the continent of Europe. Its unique value lies in the fact that it is not a gloss, not secondary literature, not an interpretation and not a summary--it is a direct, primary source made available to readers in the English language for the first time. This book is part of the Comparative Legal Thinking Series, edited by Kirk W. Junker, Associate Professor of Law & Director of International Programs, Duquesne University School of Law.

Compensation for Personal Injury in English, German and Italian Law - Basil Markesinis 2011-06-16

Cross-border claims for personal injuries are becoming more common. Furthermore, European nationals increasingly join class actions in the USA. These tendencies have created a need to know more about the law of damages in Europe and America. Despite the growing importance of this subject, there is a dearth of material available to practitioners to assist them in advising their clients as to the heads of damage recoverable in other countries. This 2005 book aims to fill that gap by looking at the law in England, Germany and Italy. It sets out the raw data in the wider context of tort law, then provides a closer synthesis, largely concerned with methodological issues, and draws some comparative conclusions.