

Storia Del Diritto In Europa Padoa Schioppa

John Cartwright, Simon Whittaker

A proposito di storia del diritto in Europa, di Antonio Padoa Schioppa Enrico Genta, 2007

The Oxford Handbook of European Legal History Heikki Pihlajamäki, Markus D. Dubber, Mark Godfrey, 2018-07-04

European law, including both civil law and common law, has gone through several major phases of expansion in the world. European legal history thus also is a history of legal transplants and cultural borrowings, which national legal histories as products of nineteenth-century historicism have until recently largely left unconsidered. The Handbook of European Legal History supplies its readers with an overview of the different phases of European legal history in the light of today's state-of-the-art research, by offering cutting-edge views on research questions currently emerging in international discussions. The Handbook takes a broad approach to its subject matter both nationally and systemically. Unlike traditional European legal histories, which tend to concentrate on heartlands of Europe (notably Italy and Germany), the Europe of the Handbook is more versatile and nuanced, taking into consideration the legal developments in Europe's geographical fringes such as Scandinavia and Eastern Europe. The Handbook covers all major time periods, from the ancient Greek law to the twenty-first century. Contributors include acknowledged leaders in the field as well as rising talents, representing a wide range of legal systems, methodologies, areas of expertise and research agendas.

Succession Law, Practice and Society in Europe across the Centuries Maria Gigliola di Renzo Villata, 2018-03-19

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.

Re-thinking Legal Education under the Civil and Common Law Richard Grimes, 2017-07-20 Whilst educational theory has

developed significantly in recent years, much of the law curriculum remains content-driven and delivered traditionally, predominantly through lecture format. Students are, in the main, treated as empty vessels to be filled by the eminent academics of the day. Re-thinking Legal Education under the Common and Civil Law draws on the experience of teachers, practitioners and students across the world who are committed to developing a more effective learning process. Little attention has, historically, been paid to the importance of the application of theory, the role of reflective learning, the understanding and acquisition of lawyering skills and the development of professional responsibility and wider ethical values. With contributions from across the global north and south, this book examines the history of educating our lawyers, the influences and constraints that may shape the curriculum, the means of delivering it and the models that could be used to tackle current shortcomings. The whole is intended to represent what might be desirable and possible if we are to produce lawyers that are fit for purpose in the 21st century, be that in either in civil or common law jurisdictions. This book will be of direct assistance to those who wish to understand the theory and practice of legal pedagogy in an experiential context. It will be essential reading for academics, researchers and teachers in the fields of law and education, particularly those concerned with curriculum design and developing interactive teaching methods. It is likely to be of interest to law students too – particularly those who value a more direct engagement in their learning.

The Law of Nations and Natural Law 1625-1800 Simone Zurbuchen, 2019-11-26 The Law of Nations and Natural Law 1625-1800 offers innovative studies on the development of the law of nations after the Peace of Westphalia. This period was decisive for the origin and constitution of the discipline which eventually emancipated itself from natural law and became modern international law. A specialist on the law of nations in the Swiss context and on its major figure, Emer de Vattel, Simone Zurbuchen prompted scholars to explore the law of nations in various European contexts. The volume studies little known literature related to the law of nations as an academic discipline, offers novel interpretations of classics in the field, and deconstructs ‘myths’ associated with the law of nations in the Enlightenment.

A History of European Law Paolo Grossi, 2010-02-04 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

The Code Napoléon Rewritten John Cartwright, Simon Whittaker, 2017-10-05 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.

In and Out: Rights of Migrants in the European Space Francesco Lo Piccolo, Annalisa Mangiaracina, Giuseppe Paternostro, Vincenzo Todaro, 2024-05-21 This book examines contemporary migratory movements, starting from the European zone, but with an extension to other territorial contexts as well, with research orientation that focuses on the account of the migratory experiences collected in the research activity of the different authors, according to a multidisciplinary dimension. Starting from these key topics, the authors articulated and further developed its reflections through its own experiences at the national and international level, taking root within the current scientific debate on migration. The interdisciplinary approach and the different and innovative ways of analysing in depth the thematic contents of the migration phenomenon have made it possible to identify some key research questions. The relative answers find space in the articulated and complex system of contributions that is developed within this book and in particular in the three thematic parts into which it is divided. The first one deals with the theme of migration confronted with issues related to the 'right to the city' and the 'right to housing'; the second one deals with issues related to human rights; finally, the third one focuses on the different narratives of migrants' life experiences and aspects related to the linguistic representation of the urban space.

The Cambridge Companion to European Union Private Law Christian Twigg-Flesner, 2010-05-20 A critical 2010 introduction to European Private Law, written by the leading scholars in the field.

The Oxford Handbook of the Sources of International Law Jean d'Aspremont, Samantha Besson, Séverine Knuchel, 2017-10-19 The question of the sources of international law inevitably raises some well-known scholarly controversies: where do the rules of international law come from? And more precisely: through which processes are they made, how are they ascertained, and where does the international legal order begin and end? This is the static question of the pedigree of international legal rules and the boundaries of the international legal order. Second, what are the processes through which these rules are made? This is the dynamic question of the making of these rules and of the exercise of public authority in international law. The Oxford Handbook of the Sources of International Law is the very first comprehensive work of its kind devoted to the question of the sources of international law. It provides an accessible and systematic overview of the key issues and debates around the sources of international law. It also offers an authoritative theoretical guide for anyone studying or working within but also outside international law wishing to understand one of its most foundational questions. This Handbook features original essays by leading international law scholars and theorists from a range of traditions, nationalities and perspectives, reflecting the richness and diversity of scholarship in this area.

The Legacy of Vattel's Droit des gens Koen Stapelbroek, Antonio Trampus, 2019-08-13 This edited collection offers a

reassessment of the complicated legacy of Emer de Vattel's *Droit des gens*, first published in 1758. One of the most influential books in the history of international law and a major reference point in the fields of international relations theory and political thought, this book played a role in the transformation of diplomatic practice in the eighteenth and nineteenth century. But how did Vattel's legacy take shape? The volume argues that the enduring relevance of Vattel's *Droit des gens* cannot be explained in terms of doctrines and academic disciplines that formed in the late nineteenth and twentieth centuries. Instead, the chapters show how the complex reception of this book took shape historically and why it had such a wide geographical and disciplinary appeal until well into the twentieth century. The volume charts its reception through translations, intellectual, ideological and political appropriations as well as new practical usages, and explores Vattel's discursive and conceptual innovations. Drawing on a wide range of sources, such as archive memoranda and diplomatic correspondences, this volume offers new perspectives on the book's historical contexts and cultures of reception, moving past the usual approach of focusing primarily on the text. In doing so, this edited collection forms a major contribution to this new direction of study in intellectual history in general and Vattel's *Droit des gens* in particular.

The Clash of Legitimacies Andrea Gamberini, 2018-10-04 The Clash of Legitimacies makes an innovative contribution to the history of the state-building process in late medieval Lombardy (during the 13th to 15th centuries), by illuminating myriad conflicts attending the legitimacy of power and authority at different levels of society. Through the analysis of the rhetorical forms and linguistic repertoires deployed by the many protagonists (not only the prince, but also the cities, communities, peasants, and political factions) to express their own ideals of shared political life, this volume reveals the depth of the conflicts in which opposing political actors were not only inspired by competing material interests - as in the traditional interpretation to be found in previous historiography - but also often were guided by differing concepts of authority. From this comes a largely new image of the late medieval and early Renaissance state, one without a monopoly of force - as has been shown in many studies since the 1970s - and one that did not even have the monopoly of legitimacy. The limitations of attempts by governors to present the political principles that inspired their acts as shared and universally recognized are revealed by a historical analysis firmly intent on investigating the existence, in particular territorial or social ambits, of other political cultures which based obedience to authority on different, and frequently original, ideals.

Political Order and Forms of Communication in Medieval and Early Modern Europe Autori Vari, 2014-07-09T00:00:00+02:00 'Communication' has become one of the most vibrant areas of current research on medieval and early modern Europe, almost paralleling the heightened popularity of conflict study since the 1980s. However, the nature of this concept seems to be ambiguous and has been defined with multiple nuances. Needless to say, communication in the Middle Ages was usually accomplished by personal presence, contact, and interaction, including conflict and its settlement. In this sense, the process of communication often comprised symbolic and ritual action. In

response to concerns about the study of political communication, it should be emphasised that communication may confirm and spread certain fundamental ideas, social values and norms, bringing about certain patterns of behaviour and mentality that can be shared by members of the political body and community. The authors of these essays discuss the characteristics of political communication in medieval and early modern Europe by highlighting two aspects: 'ritual and symbolic communication', and 'conflict, feuds and communication'.

Economic Governance in Europe Federico Fabbrini, 2016-01-29 The Euro-Crisis and the legal and institutional responses to it have had important constitutional implications on the architecture of the European Union (EU). Going beyond the existing literature, Federico Fabbrini's book takes a broad look and examines how the crisis and its aftermath have changed relations of power in the EU, disaggregating three different dimensions: (1) the vertical relations of power between the member states and the EU institutions, (2) the relations of power between the political branches and the courts, and (3) the horizontal relations of power between the EU member states themselves. The first part of the book argues that, in the aftermath of the Euro-crisis, power has been shifting along each of these axes in paradoxical ways. In particular, through a comparison of the United States, Fabbrini reveals that the EU is nowadays characterized by a high degree of centralization in budgetary affairs, an unprecedented level of judicialization of economic questions, and a growing imbalance between the member states in the governance of fiscal matters. As the book makes clear, however, each of these dynamics is a cause for concern - as it calls into question important constitutional values for the EU, such as the autonomy of the member states in taking decision about taxing and spending, the preeminence of the political process in settling economic matters, and the balance between state power and state equality. The second part of the book, therefore, devises possible options for future legal and institutional developments in the EU which may revert these paradoxical trends. In particular, Fabbrini considers the ideas of raising a fiscal capacity, restoring the centrality of the EU legislative process, and reforming the EU executive power, and discusses the challenges that accompany any further step towards a deeper Economic and Monetary Union.

Medieval Sovereignty Francesco Maiolo, 2007 *Medieval Sovereignty* examines the idea of sovereignty in the Middle Ages and asks if it can be considered a fundamental element of medieval constitutional order. Francesco Maiolo analyzes the writings of Marsilius of Padua (1275/80-1342/43) and Bartolous of Saxoferrato (1314-57) and assesses their relative contributions as early proponents of popular sovereignty. Both are credited with having provided the legal justification for medieval popular government. Maiolo's cogent reconsideration of this primacy is an important addition to current medieval studies.

La querela civile di falso - I. Origini e vicende storiche Pasqualina Farina, 2017-03-17 La valenza probatoria del documento si contrappone a quella della prova testimoniale rispetto alla quale offre alcuni innegabili vantaggi: la durata nel tempo del mezzo di prova (normalmente il documento scritto sopravvive più a lungo della persona del testimone); una più

facile disponibilità ed economicità dello stesso (quando, in particolare, sarebbe necessario far giungere il teste da luoghi lontani); una maggiore oggettività e stabilità del suo oggetto una volta fissato su un supporto (rispetto alla mutevole soggettività che sempre contraddistingue le deposizioni testimoniali). Di contro, il documento scritto non è esente da profili che ne hanno a lungo ostacolato la piena affermazione nell'uso dei privati. In particolare – oltre a presupporre società con elevata alfabetizzazione – il documento si presta ad essere facilmente falsificato. Garantire a un tempo l'affidabilità del documento e la possibilità di opporsi efficacemente all'uso giudiziale di documenti di cui si sospetta la falsità è dunque un tema centrale, oggi come nel passato, quando si vuole che il processo raggiunga l'obiettivo primario di accertamento dei fatti giuridici. A tale tema Pasqualina Farina ha dedicato le sue ricerche. In questo primo volume si ripercorrono criticamente le alterne soluzioni che si sono via via sperimentate dall'antichità romana sino ai codici unitari.

Global History of Accounting, Financial Reporting and Public Policy Gary J. Previts, Peter Walton, Peter Wolnizer, 2010-12-20 Covers the evolution of accounting, financial reporting and related institutions for major economies in the world. This title addresses ten European economies, including France, Germany, Italy and the UK as well as the Netherlands, Belgium, Spain, Poland, Sweden, and Switzerland.

A History of International Law in Italy Giulio Bartolini, 2020-04-02 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 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.

Legal Positivism in a Global and Transnational Age Luca Siliquini-Cinelli, 2019-08-30 A theme of growing importance in both the law and philosophy and socio-legal literature is how regulatory dynamics can be identified (that is, conceptualised and operationalised) and normative expectations met in an age when transnational actors operate on a global plane and in increasingly fragmented and transformative contexts. A reconsideration of established theories and axiomatic findings on

regulatory phenomena is an essential part of this discourse. There is indeed an urgent need for discontinuity regarding what we (think we) know about, among other things, law, legality, sovereignty and political legitimacy, power relations, institutional design and development, and pluralist dynamics of ordering under processes of globalisation and transnationalism. Making an important contribution to the scholarly debate on the subject, this volume features original and much-needed essays of theoretical and applied legal philosophy as well as socio-legal accounts that reflect on whether legal positivism has anything to offer to this intellectual enterprise. This is done by discussing whether global and transnational cultural, socio-political, economic, and juridical challenges as well as processes of diversification, fragmentation, and transformation (significantly, de-formalisation) reinforce or weaken legal positivists' assumptions, claims, and methods. The themes covered include, but are not limited to, absolute and limited state sovereignty; the 'new international legal positivism'; Hartian legal positivism and the 'normative positivist' account; the relationship between modern secularisation, social conventionalism, and meta-ontological issues of temporality in postnational jurisprudence; the social positivisation of human rights; the formation and content of jus cogens norms; feminist critique; the global and transnational migration of principles of justice and morality; the Vienna Convention on the Law of Treaties rule of interpretation; and the responsibility of transnational corporations.

Sensing the Nation's Law Stefan Huygebaert, Angela Condello, Sarah Marusek, Mark Antaki, 2018-03-22 This book examines how the nation – and its (fundamental) law – are 'sensed' by way of various aesthetic forms from the age of revolution up until our age of contested democratic legitimacy. Contemporary democratic legitimacy is tied, among other things, to consent, to representation, to the identity of ruler and ruled, and, of course, to legality and the legal forms through which democracy is structured. This book expands the ways in which we can understand and appreciate democratic legitimacy. If (democratic) communities are "imagined" this book suggests that their "rightfulness" must be "sensed" – analogously to the need for justice not only to be done, but to be seen to be done. This book brings together legal, historical and philosophical perspectives on the representation and iconography of the nation in the European, North American and Australian contexts from contributors in law, political science, history, art history and philosophy.

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