

## Storia Del Diritto In Europa Dal Medioevo All'età Contemporanea

This volume addresses an important historiographical gap by assessing the respective contributions of tradition and foreign influences to the 19th century codification of criminal law. More specifically, it focuses on the extent of French influence – among others – in European and American civil law jurisdictions. In this regard, the book seeks to dispel a number of myths concerning the French model's actual influence on European and Latin American criminal codes. The impact of the Napoleonic criminal code on other jurisdictions was real, but the scope and extent of its influence were significantly less than has sometimes been claimed. The overemphasis on French influence on other civil law jurisdictions is partly due to a fundamental assumption that modern criminal codes constituted a break with the past. The question as to whether they truly broke with the past or were merely a degree of reform touches on a difficult issue, namely, the dichotomy between tradition and foreign influences in the codification of criminal law. Scholarship has unfairly ignored this important subject, an oversight that this book remedies.

Den Kerngebieten des nationalen bürgerlichen und Handelsrechts liegen heute europäische Regelungen zugrunde. Das Handbuch bietet eine Gesamtdarstellung des europäischen Vertragsrechts unter Einschluss der neuesten Entwicklungen und behält dabei stets die Bedürfnisse der Praxis im Blick. Die 3. Auflage wurde umfassend überarbeitet und aktualisiert; sie geht auf die Änderungen im Vertragsrecht insbesondere infolge der Digitale Inhalte-Richtlinie, der Warenkauf-Richtlinie sowie der Plattform-Verordnung ein.

This Dictionary analyses the ways in which the statuses of European citizens are profoundly affected by EU law. The study of one’s particular status (as a worker, consumer, family member, citizen, etc.) helps to reconsider the legal notions concerning an individual’s status at the EU level. The Dictionary includes a foreword by Evgeni Tanchev, Advocate General at the Court of Justice of the European Union, which illustrates some interesting features of the Court’s case law on statuses.The Dictionary’s core is composed of 79 chapters, published in alphabetical order. Each brief chapter analyses how the individual status was conditioned or created by contemporary EU law, or how the process of European integration modified the traditional juridical definition of the respective status. The Dictionary provides answers to the following questions: Has the process of European integration modified the traditional juridical definition of individual status? Has the concept of legal status now acquired a new function? What role has EU law played in developing a new modern function for the concept of individual status? Are the selection of a specific individual status by EU law and the proliferation of such statuses, which is synonymous with the creation of new privileges, collectively undermining the goal of achieving substantive equality between EU citizens? Does this constitute a return to the past? Under EU law, is it possible to create a uniform definition of the legal status of the person, over and above the definition that is provided by a given Member State’s legal system?

The first-ever multivolume treatment of the issues in legal philosophy and general jurisprudence, from both a theoretical and a historical perspective. The work is aimed at jurists as well as legal and practical philosophers. Edited by the renowned theorist Enrico Pattaro and his team, this book is a classical reference work that would be of great interest to legal and practical philosophers as well as to jurists and legal scholar at all levels. The work is divided The theoretical part (published in 2005), consisting five volumes, covers the main topics of the contemporary debate: the historical part, consisting of six volumes (Volumes 6-8 published in 2007; Volumes 9 and 10, published in 2009; Volume 11 published in 2011 and volume 12 forthcoming in 2015), accounts for the development of legal thought from ancient Greek times through the twentieth century. The entire set will be completed with an index. ?Volume 7: The Jurists’ Philosophy of Law from Rome to the Seventeenth Century edited by Andrea Padovani and Peter Stein Volume 7 is the second of the historical volumes and acts as a complement to the previous Volume 6, discussing from the jurists’ perspective what that previous volume discusses from the philosophers’ perspective. The subjects of analysis are, first, the Roman jurists’ conception of law, second, the metaphysical and logical presuppositions of late medieval legal science, and, lastly, the connection between legal and political thought up to the 17th century. The discussion shows how legal science proceeds at every step of the way, from Rome to early modern times, as an enterprise that cannot be untangled from other forms of thought, thus giving rise to an interest in logic, medieval theology, philosophy, and politics—all areas where legal science has had an influence. Volume 8: A History of the Philosophy of Law in The Common Law World, 1600–1900 by Michael Lobban Volume 8, the third of the historical volumes, offers a history of legal philosophy in common-law countries from the 17th to the 19th century. Its main focus (like that of Volume 9) is on the ways in which jurists and legal philosophers thought about law and legal reasoning. The volume begins with a discussion of the ‘common law mind’ as it evolved in late medieval and early modern England. It goes on to examine the different jurisprudential traditions which developed in England and the United States, showing that while Coke’s vision of the common law continued to exert a strong influence on American jurists, in England a more positivist approach took root, which found its fullest articulation in the work of Bentham and Austin. ?

Plenitude of Power under the Visconti and the Sforza 1329-1535

From Mutual Observation to Propaganda War

The Justice of Venice

A Treatise of Legal Philosophy and General Jurisprudence

Storia del diritto nell'Europa moderna e contemporanea

Europa del diritto

*Una sintesi rigorosa e di ampio respiro che ricostruisce in modo efficace la storia degli ordinamenti giuridici europei.«Occasione preziosa, se appena se ne scorrono le pagine, o soltanto l'indice, il libro di Caravale: dove la storia del diritto trova un'intrinseca unità, e raccoglie sviluppo delle fonti, fatti politici, forma e metodi della scienza, crisi e rinascite. La scienza giuridica torna in tutti, o quasi tutti, i capitoli del libro, come luogo della coscienza più acuta e riflessiva. La scienza, o che concorra nel determinare il corso storico o che soltanto lo interpreti e rispecchi, esprime l'autocoscienza di un evento o di un'età. Il libro di Caravale insegna che essa non è un rigido sapere, un metodo applicabile sempre e su qualsiasi testo, ma una formazione nella storia e della storia».*Natalino Irti

*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.*

*R. C. van Caenegem considers the historical reasons behind European legal diversity.*

*"This is an important collection and starting point for the worthy goal of promoting a better understanding of the past that makes it less able to be manipulated for contemporary political and religious aims...Compiled out of the European past, its aim of a better understanding of traditional values ought to be useful for contemporary cultures and for the work of scholars of all cultures and continents." \* Renaissance Quarterly In the last decade or so, many books have been devoted to the history of Europe.Two conceptual axes predominate in a large number of these accounts: a discourse focusing on Europe's values, and another discourse, fashioned largely in opposition to the first, which emphasizes the process of European "construction." The first conceives of Europe's past teleologically, as a process by which certain values (Christian ethics, individualism, capitalism, tolerance, republicanism, due process, etc.) were affirmed and came to define European culture. The second approach rejects the discourse on values emphasizes the post-Enlightenment emergence of the concept of Europe, and the political and ideological implications in its continuous redefinitions (and re elaborations) during the past two or more centuries. This volume offers new approaches that integrate the long temporal dimension of the values-based approach, albeit devoid of its teleological element, with the "constructivist" interpretation.*

Theory of International Law

le fonti e il pensiero giuridico

Modell Europa : [Rezension zu: Antonio Padoa-Schioppa, Storia del diritto in Europa. Dal medioevo all'età contemporanea, Bologna: il Mulino 2007, 780 S., ISBN 978-88-15-11935-3]

La formazione storica del diritto moderno in Europa

French Contract Law after the 2016 Reforms

Premodern Revolts in Their Transnational Representations

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.

This book shows how the Italian legal system developed mainly thanks to the cooperation of universities. In this way a Continental 'common law' was built which even today is useful as a common heritage.

Absolutism in Renaissance Milan shows how authority above the law, once the preserve of pope and emperor, was claimed by the ruling Milanese dynasties, the Visconti and the Sforza, and why this privilege was finally abandoned by Francesco II Sforza (d. 1535), the last duke. As new rulers, the Visconti and the Sforza had had to impose their regime by rewarding supporters at the expense of opponents. That process required absolute power, also known as 'plenitude of power', meaning the capacity to overrule even fundamental laws and rights, including titles to property. The basis for such power reflected the changing status of Milanese rulers, first as signori and then as dukes. Contemporary lawyers, schooled in the sanctity of fundamental laws, were at first prepared to overturn established doctrines in support of the free use of absolute power: even the leading jurist of the day, Baldo degli Ubaldi (d. 1400), accepted the new teaching. However, lawyers came eventually to regret the new approach and to reassert the principle that laws could not be set aside without compelling justification. The Visconti and the Sforza too saw the dangers of absolute power: as legitimate princes they were meant to champion law and justice, not condone arbitrary acts that disregarded basic rights. Jane Black traces these developments in Milan over the course of two centuries, showing how the Visconti and Sforza regimes seized, exploited and finally relinquished absolute power.

Burr Litchfield traces the development of the patrician elite of Florence from the sixteenth through the eighteenth centuries, the growth of a bureaucratic state in Tuscany during this period, and the changing relationship of the patricians to the state apparatus. His discussion of this largely neglected period of Italian history shows that the elite of the Florentine Renaissance Republic continued as the main component of the urban office-holding aristocracy under the Grand Dukes of Tuscany, and that they had an important role in the transition from Renaissance communal institutions to those of a regional state. Originally published in 1987. The Princeton Legacy Library uses the latest print-on-demand technology to again make available previously out-of-print books from the distinguished backlist of Princeton University Press. These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions. The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905.

L'Europa del diritto comune. La memoria e la storia

Foundations for a European Legal System

Re-thinking Legal Education under the Civil and Common Law

The Clash of Legitimacies

History of Law and Other Humanities.Views of the legal world across the time

Lo stato

*The Politics of Law in Late Medieval and Renaissance Italy features original contributions by international scholars on the fortieth anniversary of the publication of Lauro Martines' Lawyers and Statecraft in Renaissance Florence, which is recognized as a groundbreaking study challenging traditional approaches to both Florentine and legal history. Essays by leading historians examine the professional, social, and political functions of Italian jurists from the thirteenth to the late fifteenth centuries. The volume also examines the use of emergency powers, the critical role played by jurists in mediating the rule of law, and the adjudication of political crimes. The Politics of Law in Late Medieval and Renaissance Italy provides both an assessment of Martines' pioneering archival scholarship as well as fresh insights into the interplay of law and politics in late medieval and Renaissance Italy.*

*The first English translation of a comprehensive legal history of Europe from the early middle ages to the twentieth century, encompassing both the common aspects and the original developments of different countries. As well as legal scholars and professionals, it will appeal to those interested in the general history of European civilisation.*

*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*

*In a series of essays based on surviving documents of actual court practices from Perugia and Bologna, as well as laws, statutes, and theoretical works from the 12th and 13th centuries, Massimo Vallerani offers important historical insights into the establishment of a trial-based public justice system.*

The Florentine Patricians, 1530–1790

A Companion to the Medieval World

Finding Europe

Storia del diritto moderno in Europa

The Legacy of Vattel's Droit des gens

*Drawing on the expertise of 26 distinguished scholars, this important volume covers the major issues in the study of medieval Europe, highlighting the significant impact the time period had on cultural forms and institutions central to European identity. Examines changing approaches to the study of medieval Europe, its periodization, and central themes Includes coverage of important questions such as identity and the self, sexuality and gender, emotionality and ethnicity, as well as more traditional topics such as economic and demographic expansion; kingship; and the rise of the West Explores Europe's understanding of the wider world to place the study of the medieval society in a global context*

*With a vigor and passion rarely found in a scholarly text, Manlio Bellomo has written a broad history of the western European legal tradition. It is now made available to an English-speaking audience in an elegant and lucid translation from the original Italian.*

*Storia del diritto in Europa. Dal Medioevo all'età contemporaneaStoria del diritto moderno in EuropaStoria del diritto nell'Europa moderna e contemporaneaGius.Laterza & Figli Spa*

*The Arab spring, protest movements in the EU, Russia, Turkey or elsewhere, are often labeled as twitter-revolutions. A crucial role is attributed to the new media, coverage of events abroad and ensuing mutual reactions. With the dissemination of print, revolts in early-modern times faced the challenge of a similar media-revolution. This influenced the very face of the events that could become full-fledged propaganda wars once the insurgents had won access to the printing press. But it also had an impact on revolt-narratives. Governments severely persecuted dissident views in such delicate issues as revolts. Observers abroad had no such divided loyalties and were freer to reflect upon the events. Therefore, the book focuses mainly on representations of revolts across borders.*

Medieval Public Justice

Volume 7: The Jurists’ Philosophy of Law from Rome to the Seventeenth Century, Volume 8: A History of the Philosophy of Law in The Common Law World, 1600–1900

A Road Map for Constructive Change

2007

Succession Law, Practice and Society in Europe across the Centuries

European Contract Law

*Die International Bibliographiy of Historical Sciences verzeichnet jährlich die bedeutendsten Neuerscheinungen geschichtswissenschaftlicher Monographien und Zeitschriftenartikel weltweit, die inhaltlich von der Vor- und Frühgeschichte bis zur jüngsten Vergangenheit reichen. Sie ist damit die derzeit einzige laufende Bibliographie dieser Art, die thematisch, zeitlich und geographisch ein derart breites Spektrum abdeckt. Innerhalb der systematischen Gliederung nach Zeitalter, Region oder historischer Disziplin sind die Werke nach Autorennamen oder charakteristischem Titelhauptwort aufgelistet.*

*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 seeks to analyse various aspects of international law, the link being how they structure and marshal the different forces in the international legal order. It takes the following approaches to the matter. First, an attempt is made to determine the fundamental characteristics of international law, the forces that delineate and permeate its applications. Secondly, the multiple relations between law and policy are analysed. Politics are a highly relevant factor in the implementation of every legal order (and also a threat to it); this is all the more true in international law, where the two forces, law and politics, have significant links. Thirdly, the discussion focuses on a series of fundamental socio-legal notions: the common good, justice, legal security, reciprocity (plus equality and proportionality), liberty, ethics and social morality, and reason. 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.*

*A Common Law for Europe*

*The Moral Transformation of the Ius Commune (ca. 1500-1650)*

*Dictionary of Statutes within EU Law*

*The Common Legal Past of Europe, 1000-1800*

*European Law in the Past and the Future*

*The Individual Statutes as Pillar of European Union Integration*

The collection of essays presented here examines the links forged through the ages between the realm of law and the expressions of the humanistic culture. We collected thirty-five essays by international scholars and organized them into sections of ten chapters based around ten different themes. Two main perspectives emerged: in some articles the topic relates to the conventional approach of law and/in humanities (iconography, literature, architecture, cinema, music), other articles are about more traditional connections between fields of knowledge (in particular, philosophy, political experiences, didactics). We decided not to confine authors to one particular methodological framework, preferring instead to promote historiographical openness. Our intention was to create a patchwork of different approaches, with each article drawing on a different area of culture to provide a new angle to the history being told. The variety of authorial nationalities gives the collection a multicultural character and the breadth of the chronological period it deals with from antiquity to the contemporary age adds further depth of insight. As the element that unites the collection is historiographical interpretation, we wanted to bring to the fore its historical depth. Thus for every chapter we organized the articles in chronological order according to the historical context covered. Looking at the final outcome, it was interesting to learn that more often than not the connection between law and humanities is not simply a relation between a specific branch of the law and a single field of the humanities, but rather a relation that could be developed in many directions at once, involving different fields of knowledge, and of arts and popular culture. We are grateful to Luigi Lacchè for his contribution to this collection. His essay outlines the coordinates of the law and humanities world, laying out the instruments necessary for an understanding of the origins of a complex methodology and the different approaches that exist within it. This project is the result of discussions that took place during the XXIII Forum of the Association of Young Legal Historians held in Naples in the spring of 2017. The book was made possible thanks to the advice and support of Cristina Vano. The Editors

A critical 2010 introduction to European Private Law, written by the leading scholars in the field.

The first of a series on European Union Law, it provides a detailed overview of the development of a new European Common Law. The authors deal with the transposition of concepts and the problem of translation. Each chapter is accompanied by a bibliography in Italian as well as in English, French and German suggesting further reading in each area.

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.

Unity and Diversity Over Two Millennia

A History of Law in Europe

The Politics of Law in Late Medieval and Renaissance Italy

Storia del diritto in Europa. Dal Medioevo all'età contemporanea

Essays in Honour of Lauro Martines

elementi di politica storica e pratica

**In "Theologians and Contract Law," Wim Decock offers an account of the moral roots of modern contract law. He explains why theologians in the sixteenth and seventeenth centuries built a systematic contract law around the principles of freedom and fairness.**

**Published for The British Academy.**

**With its roots in ancient Greece, Roman law and Christianity, European legal history is the history of a common civilisation. The exchange of legislative models, doctrines and customs within Europe included English common law and has been extensive from the early middle ages to the present time. In this seminal work which spans from the fifth to the twentieth century, Antonio Padoa-Schioppa explores how law was brought to life in the six main phases of European legal history. By analysing a selection of the institutions of private and public law which are most representative of each phase and of each country, he also sheds light on the common features throughout the history of European legal culture. Translated in English for the first time, this new edition has been revised to include the recent developments of the European Union and the legal-historical works of the last decade.**

**The Western Codification of Criminal Law**

**The State-Building Process in Late Medieval Lombardy**

**Absolutism in Renaissance Milan**

**Discourses on Margins, Communities, Images Ca. 13th - Ca. 18th Centuries**

**A Revision of the Myth of its Predominant French Influence**

**The Laws of Late Medieval Italy (1000-1500)**