

INTRODUCTION TO ITALIAN LAW

Module 1

3/03/2021

INTRODUCTION – WRITTEN AND UNWRITTEN LAWS

How do legal scholars reason? Words can be subdivided into written or oral ruse. The rule of thumb for Constitutions is that most are written, even though a small percentage of constitutions are not written, for example the constitution of the UK, which is based on customs and traditions.

Written constitutions involve unwritten conventions regarding interpretation. For example, in the USA Trump was impeached twice and the second impeachment began when he was out of office. There is no written provision about whether a president can be impeached when out of office in the American constitution, and so this was left to interpretation.

There are 2 approaches:

- Top down: we formulate a law and then we apply it to specific cases
- Bottom up: we start from a case and according to the decision taken in that case, we formulate a general law

Most of legal rules use the term "shall, which is the most used word in the Italian constitution.

STATE OF LAW vs RULE OF LAW

Constitutions establish which are the limits of the law.

Law in the books ≠ law in action

CONSTITUTION OF THE ITALIAN REPUBLIC

HISTORY OF THE CONSTITUTION

The Italian constitution is a result of a compromise between the different political forces after Mussolini's dictatorship, and it is a reaction to prevent another dictatorship.

The Italian constitution was written in **1948**. Before this there was the "Statuto Albertino", written in 1848, which was "octroyée", which means conceded to the people as a courtesy from the king. The Statuto belonged to the kingdom of Piedmont and Sardinia. The different kingdoms in Italy were unified in 1861 and the Statute started ruling the whole Italian territory, and it was the constitution which was enforced during the two world wars, including Mussolini's rise to power in 1922 with the "Marcia su Roma" and his dictatorship. Before that, Italy was a liberal state: the constitution was there, but it was very *flexible* and the king had the final word, to the point that he had the power to appoint Mussolini as the prime minister. As a reaction to this, our Constitution is **rigid**.

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James Nafziger, Symeon Symeonides



Introduction To Italian Law Introduction To Law Volume 9 Introduction To Italian Law:

The Italian Legal System Michael A. Livingston, Pier Giuseppe Monateri, Francesco Parisi, 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

Introduction to Italian Law Jeffrey Lena, Ugo Mattei, 2002-03-06 Introduction to the Laws Series Volume 4 This is a methodologically advanced introduction to the main features of the Italian Legal System Its eighteen chapters cover all the significant changes and innovations that have recently taken place including a new system of private international law a greatly altered and expanded body of family law a new code of criminal procedure fundamental changes in civil procedure the effects of European legislation on Italian municipal law the reformation of administrative law and the latest computer assisted research tools and techniques used to research Italian law Written for academics and lawyers alike this book is an indispensable tool for those wishing to grasp the context of Italian legal activity Written by Italian experts at the top of their respective fields An Introduction to Italian Law is a readable yet technically sophisticated and critical discussion of the systemic features that make the Italian legal system a landmark of the civil law tradition

Cambridge Yearbook of European Legal Studies, Vol 9, 2006-2007 Catherine Barnard, 2007-12-18 The Cambridge Yearbook of European Legal Studies provides a forum for the scrutiny of significant issues in EU Law the Law of the Council of Europe and Comparative Law with a European dimension and particularly those issues which have come to the fore during the year preceding publication The contributions appearing in the collection are commissioned by the Centre for European Legal Studies CELS Cambridge a research centre in the Law Faculty of the University of Cambridge specialising in European legal issues The papers presented are all at the cutting edge of the fields which they address and reflect the views of recognised experts drawn from the University world legal practice and the civil services of both the EU and its Member States Inclusion of the comparative dimension brings a fresh perspective to the study of European law and highlights the

effects of globalisation of the law more generally and the resulting cross fertilisation of norms and ideas that has occurred among previously sovereign and separate legal orders The Cambridge Yearbook of European Legal Studies is an invaluable resource for those wishing to keep pace with legal developments in the fast moving world of European integration

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The Austrian Codification of Administrative Procedure Giacinto della Cananea, Angela Ferrari Zumbini, Otto Pfersmann, 2023-02-04 This book argues that the development of administrative law in Europe owes much to Austria not only because its Administrative Court was one of the first to define and refine general principles such as legality due process and general interest but also because in 1925 Austria adopted a general law of administrative procedure which had important consequences for other legal systems The book follows two themes The first is the Austrian codification of administrative procedure itself The second is the spread of Austrian ideas and institutions to some neighbouring countries From the first point of view the book points out the various factors that favoured the adoption of administrative procedure legislation and the reception of the model of review In this respect the book is enriched by the English translation of the Austrian general act of 1925 From the other viewpoint the book deviates from the standard accounts whereby the Austrian codification had some influence on its closest neighbours including Poland Czechoslovakia and Yugoslavia first because it compares their legislative provisions as well as their durability notwithstanding drastic political changes when these countries fell under Soviet rule second because it does not limit itself to the concept of influence arguing that there was a diffusion of general administrative procedure legislation thirdly because it examines why the major administrative systems of continental Europe such as France Germany and Italy did not adopt administrative procedure legislation The book thus provides an unprecedented outlook on the emergence of an increasing common core regarding administrative procedure

Of the Laws of Ecclesiastical Polity Richard Hooker, 1925

The Italian Yearbook of International Law, Volume 14 (2004) Benedetto Conforti, Luigi Ferrari Bravo, 2005-11-01 The Italian Yearbook of International Law aims at making accessible to the English speaking public the Italian contribution to the practice and literature of international law Volume XIV 2004 is organised in three main sections The first contains doctrinal contributions including articles on the UN Charter reform corporations as international actors human genetics and reproductive technology and on the ICJ Advisory Opinion on the construction of a wall in the Occupied Palestinian Territory This section includes also notes on the seminal judgment of the Italian Supreme Court in the Ferrini case setting aside

immunity of a foreign State in respect of reparation claims by victims of gross violations of human rights and on the decision of the Special Court of Sierra Leone in the Charles Taylor case as well as surveys on the activity of selected international institutions and tribunals World Trade Organization Law of the Sea Tribunal and European Court of Human Rights The second section covers the Italian practice in the areas of 1 judicial decisions 2 diplomatic and parliamentary practice 3 treaty practice and 4 national legislation The third section contains a systematic bibliographical index of Italian literature in the field of international law and reviews of recent books The volume ends with an analytical index for ready consultation that includes the main judicial cases and legal instruments cited throughout the Yearbook

Compulsory Interventions in Psychiatry: an Overview on the Current Situation and Recommendations for Prevention and Adequate Use Christian Huber, Andres Ricardo Schneeberger, 2021-02-24

The Politics of Italy James Newell, 2010-01-28 This innovative text offers a fresh approach to Italian politics and society providing insight into subjects ranging from parliament to corruption and the Mafia Using clear and simple language its incisive analysis helps readers to see through common Italian stereotypes by means of a familiar comparative approach

International Books in Print, 1995 Barbara Hopkinson, [Anonymus AC01401231], 1995

Law and Justice in a Multistate World: Essays in Honor of Arthur T. von Mehren James Nafziger, Symeon Symeonides, 2022-06-08 For over half a century Arthur T von Mehren has been a luminary in the fields of comparative law private international law and legal education Here fifty eight of the world s leading scholars and jurists honor his work and outstanding contributions to the advance of knowledge and reform The volume is divided into four illuminating sections Part I Jurisdiction Judgment Part II Choice of Law Part III International Arbitration Part IV Comparative European Law Published under the Transnational Publishers imprint

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Ecclesiastical Polity: Dedicatory epistle to Archbishop Whitgift. Of the laws of ecclesiastical polity: The fifth book. Appendix I: Fragments of answer to a "Christian letter." Appendix II: George Cranmer's letter Richard Hooker, 1922

Recueil Annuel de L'Université Jagellonne Du Droit Du Travail Et de la Politique Sociale, 1997

The Finnish Yearbook of International Law, Vol 26, 2016 Tuomas Tiittala, 2021-12-16 The Finnish Yearbook of International Law aspires to honour and strengthen the Finnish tradition in international legal scholarship Open to contributions from all over the world and from all persuasions the Finnish Yearbook stands out as a forum for theoretically informed high quality publications on all aspects of public international law including the international relations law of the European Union The Finnish Yearbook publishes in depth articles and shorter notes commentaries on current developments

book reviews and relevant overviews of Finland's state practice While firmly grounded in traditional legal scholarship it is open for new approaches to international law and for work of an interdisciplinary nature *Roman Law in the Modern World* Charles Phineas Sherman,1922 **The Second Berlusconi Government** Jean Blondel,Pablo Segatti,2003 The contributors to this volume assess the second Berlusconi government its policies *Italian Literature Before 1900 in English Translation* Robin Healey,2011-01-01 Italian Literature before 1900 in English Translation provides the most complete record possible of texts from the early periods that have been translated into English and published between 1929 and 2008 It lists works from all genres and subjects and includes translations wherever they have appeared across the globe In this annotated bibliography Robin Healey covers over 5 200 distinct editions of pre 1900 Italian writings Most entries are accompanied by useful notes providing information on authors works translators and how the translations were received Among the works by over 1 500 authors represented in this volume are hundreds of editions by Italy's most translated authors Dante Alighieri Niccolò Machiavelli and Giovanni Boccaccio and other hundreds which represent the author's only English translation A significant number of entries describe works originally published in Latin Together with Healey's Twentieth Century Italian Literature in English Translation this volume makes comprehensive information on translations accessible for schools libraries and those interested in comparative literature Pub desc Comparing and Classifying Legislatures David Arter,2013-09-13 Recent years have witnessed substantial work in the legislative studies field But what do we know about legislatures today and are there clear criteria for comparing and classifying them This is a new review of the state of our knowledge of parliament and tackles key questions Do legislatures matter in legislative terms and if so how much What is the extent of the legislature's control of the legislative process How can we classify legislatures on the basis of their relative legislative performance Five measures of the policy power of parliaments are applied in the country region chapters This book was previously published as a special issue of the leading Journal of Legislative Studies **2007** Paul Volken,Andrea Bonomi,2009-04-27 2007 was arguably the most extraordinary year in recent memory for the development of Private International Law Reflecting the vitality and fluidity of a subject that is in constant motion Volume IX of the Yearbook of Private International Law is again a very rich and multi faceted book An entire thematic section of this volume is devoted to the Rome II Regulation on the law applicable to non contractual obligations which was adopted by the EC institutions in July 2007 Being the first EC regulation on pure applicable law issues this text opens up a new era in the process of creating a European PIL system It deserved therefore a detailed commentary and analysis of its main provisions by experts from several EU States Because of the interest that this European text presents for third party States some distinguished scholars from non European areas the US Japan Latin America and Australia were also asked to express their views on this important piece of Community legislation and the possible influence it may have on conflict developments in their respective countries and regions Observing Eurolects Laura Mori,2018-12-15 Focusing on the multi faceted topic of Eurolects this volume brings

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