

Le Fonti Dellordinamento R Blicano

Nathan Roscoe Pound (1870-1964) was an American legal scholar and jurist who held the position of Dean of Harvard Law School from 1916 to 1936. Originally published in 1923, this book presents a critical history of various aspects of juristic thought as it developed in England and other countries. The text was based upon a series of lectures delivered by Pound at Trinity College, Cambridge during the Lent Term of 1922. Detailed notes are included in the main body of the text. This book will be of value to anyone with an interest in Pound and perspectives on legal history.

This book brings together two scholarly traditions: experts in Roman, Jewish and Islamic law, an area where scholars tend to be familiar with work in each area, and experts in the legal traditions of South and East Asia, which have tended to be less interdisciplinary. The resulting mix produces new ways of looking at comparative law and legal history from a global perspective, and these essays contribute both to our understanding of comparative religion as well as comparative law.

Revisits the idea of a 'Feudal Revolution' in Europe between 800 and 1100, examining the causes of profound socio-economic change.

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see the original copyright references, library stamps (as most of these works have been housed in our most important libraries around the world), and other notations in the work. This work is in the public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. As a reproduction of a historical artifact, this work may contain missing or blurred pages, poor pictures, errant marks, etc. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant.

Gaius was a Roman jurist of the 2nd century AD. His Institutes is an important legal textbook covering all the elements of Roman law. This volume contains a useful Introduction, English translation and the Latin text of Seckel and Kuebler. Its aim is to make the Institutes, one of the seminal works of Roman law, accessible to students with little or no Latin.

Processing the Past explores the dramatic changes taking place in historical understanding and archival management, and hence the relations between historians and archivists. Written by an archivist and a historian, it shows how these changes have been brought on by new historical thinking, new conceptions of archives, changing notions of historical authority, modifications in archival practices, and new

information technologies. The book takes an "archival turn" by situating archives as subjects rather than places of study, and examining the increasingly problematic relationships between historical and archival work. By showing how nineteenth- and early twentieth-century historians and archivists in Europe and North America came to occupy the same conceptual and methodological space, the book sets the background to these changes. In the past, authoritative history was based on authoritative archives and mutual understandings of scientific research. These connections changed as historians began to ask questions not easily answered by traditional documentation, and archivists began to confront an unmanageable increase in the amount of material they processed and the challenges of new electronic technologies. The authors contend that historians and archivists have divided into two entirely separate professions with distinct conceptual frameworks, training, and purposes, as well as different understandings of the authorities that govern their work. *Processing the Past* moves toward bridging this divide by speaking in one voice to these very different audiences. Blouin and Rosenberg conclude by raising the worrisome question of what future historical archives might be like if historical scholars and archivists no longer understand each other, and indeed, whether their now different notions of what is archival and historical will ever again be joined.

The last decade has seen radical changes in the way we are governed. Reforms such as the Human Rights Act and devolution have led to the replacement of one

constitutional order by another. This book is the first to describe and analyse Britain's new constitution, asking why it was that the old system, seemingly hallowed by time, came under challenge, and why it is being replaced. The Human Rights Act and the devolution legislation have the character of fundamental law. They in practice limit the rights of Westminster as a sovereign parliament, and establish a constitution which is quasi-federal in nature. The old constitution emphasised the sovereignty of Parliament. The new constitution, by contrast, emphasises the separation of powers, both territorially and at the centre of government. The aim of constitutional reformers has been to improve the quality of government. But the main weakness of the new constitution is that it does little to secure more popular involvement in politics. We are in the process of becoming a constitutional state, but not a popular constitutional state. The next phase of constitutional reform, therefore, is likely to involve the creation of new forms of democratic engagement, so that our constitutional forms come to be more congruent with the social and political forces of the age. The end-point of this piecemeal process might well be a fully codified or written constitution which declares that power stems not from the Queen-in-Parliament, but, instead, as in so many constitutions, from 'We, the People'. The old British constitution was analysed by Bagehot and Dicey. In this book Vernon Bogdanor charts the

significance of what is coming to replace it. The expenses scandal shows up grave defects in the British constitution. Vernon Bogdanor shows how the constitution can be reformed and the political system opened up in 'The New British Constitution'.

An innovative 1996 study of statistics in Risorgimento Italy, and their contribution to the national identity.

One of the main ways in which the European Court of Justice has influenced the development of the Community legal order is through the elaboration of unwritten general principles of law derived from the fundamental values underlying the national legal systems. This book provides a detailed and systematic account of the general principles as applied by the European Court of Justice and the Court of First Instance. It highlights the various functions fulfilled by the general principles, the diverse contexts in which they are employed, and the varying degrees of judicial scrutiny that they entail. Tridimas focuses on principles such as equality, proportionality, fundamental rights and the right to a hearing. This book also analyses the liability of Member States for breaches of Community Law. It is designed for students, academics and practitioners interested in the wider areas of European law and judicial review. This book is part of the Oxford EC Law Library. The aim of this series is to publish important and original studies of the

various branches of European Community Law. Each work provides a clear, concise, and original critical exposition of the law in its social, economic, and political context, at a level which will interest the advanced student, the practitioner, the academic, and government and Community officials.

When the athletes enter the stadium and the Olympic flame is lit, the whole world watches. Billions will continue to follow the events and to share in the athletes' joys and sorrows for the next sixteen days. Readers of this book, however, will watch forthcoming editions of the Olympic Games in a completely different light. Unlike many historical or official publications and somewhat biased commercial works, it provides -- in a clear, readable form -- informative and fascinating material on many aspects of what Olympism is all about: its history, its organization and its actors. Although public attention is often drawn to various issues surrounding this planetary phenomenon -- whether concerning the International Olympic Committee, the athletes, the host cities or even the scandals that have arisen -- the Olympic System as such is relatively little known. What are its structures, its goals, its resources? How is it governed and regulated? What about doping, gigantism, violence in the stadium? In addition to providing a wealth of information on all these subjects, the authors also show how power, money and image have transformed Olympism over the decades.

They round off the work with thought-provoking reflections regarding the future of the Olympic System and the obstacles it must overcome in order to survive. This book presents the results of extensive international comparative research into the effects of the economic and financial crisis on democratic institutions and social cohesion policies. The collected studies describe and analyse the measures (often referred to as "reforms") adopted to counter the crisis and the effects of these measures. It investigates three areas: the impact on the functioning of institutions, with respect to the relationship between representative institutions and governments, and the organisational structure of administrations at national and local levels; the impact that the austerity policies on public spending have on social rights; and the impact on traditional instruments of public action (administrative simplification, public services delivering, the use of common assets). The general findings highlight the effect of reducing the administrative and government capacity of the democratic institutions: the public sector, rather than being innovative and made more effective, declines, offering increasingly poor public services and making bad decisions, fuelling substantive or formal privatisation solutions, which in turn cause further weakening. This open access book can be downloaded from link.springer.com Legal studies and consequently legal history focus on constitutional documents, believing in a

nominalist autonomy of constitutional semantics. Reconsidering Constitutional Formation in the late 18th and 19th century, kept historic constitutions from being simply log-books for political experts through a functional approach to the interdependencies between constitution and public discourse. Sovereignty had to be 'believed' by the subjects and the political élites. Such a communicative orientation of constitutional processes became palpable in the 'religious' affinities of the constitutional preambles. They were held as 'creeds' of a new order, not only due to their occasional recourse to divine authority, but rather due to the claim for eternal validity contexts of constitutional guarantees. The communication dependency of constitutions was of less concern in terms of the preamble than the constituents' big worries about government organisation. Their indecisiveness between monarchical and popular sovereignty was established through the discrediting of the Republic in the Jacobean reign of terror and the 'renaissance' of the monarchy in the military resistance against the French revolutionary and later Napoleonic campaigns. The constitutional formation as a legal act of constituting could therefore defend the monarchy from the threat of the people (Albertine Statute 1848), could be a legal decision of a national constituent assembly (Belgian Constitution 1831), could borrow from the old liberties (Polish May Constitution 1791) or try to remain in between by

referring to the Nation as sovereign (French September Constitution 1791, Cádiz Constitution 1812). Common to all contexts is the use of national sovereignty as a legal starting point. The consequent differentiation between constituent and constituted power manages to justify the self-commitment of political power in legal terms. National sovereignty is the synonym for the juridification of sovereignty by means of the constitution. The novelty of the constitutions of the late 18th and 19th century is the normativity, the positivity of the constitutional law as one unified law, to be the measure for the legality of all other law. Therefore ReConFort will continue with the precedence of constitution. (www.reconfort.eu)

What was the real nature of medieval lordship in southern Italy? What can this region and its history bring to the great European debates on feudalism and aristocratic powers, their structures and evolution, and their social and economic impact? What contribution can the Kingdom of Sicily make to studies of the relationships between sovereigns, nobilities and peasant societies? And can the study of seigneurial powers and rural societies reshape the old arguments regarding the economic backwardness of the Mezzogiorno (the South of Italy) and the central role of its monarchy? This book offers the first systematic analysis of lordship in southern Italy in the twelfth and thirteenth centuries, under the Norman, Staufen and early Angevin kings. It offers new

interpretations of the powers of the nobility, and of rural societies and royal policy. It reveals the complexity of interactions between the king, nobles and peasants, and how they occurred and were expressed through laws and violence, feudal relations and economic investments, debates on freedom and serfdom, and the exploitation of people and natural resources. In these interactions a leading role is played by peasant societies - with previously unsuspected levels of dynamism - to set against that of the kings, who were determined to curb aristocratic powers, and of the nobles who were obliged to adapt their lordship in response to powerful rural societies and crown policies. What emerges is a hitherto unseen Mezzogiorno, vital and complex, whose study allows a deeper understanding not only of the affairs of the South but of many other regions of Europe.

Judge Falcone, who led the war against the Mafia in Italy, was assassinated with his wife and three bodyguards in a car-bomb explosion in May 1992 - just as he was to be given powers to investigate the organization nationally. Written the previous year, this is his account of the Mafia.

To believe and to know, faith and science; only liberty can coordinate these two supreme ideas, destined to diverge, to meet, to contradict each other, ideas which on account of this very divergence, this contradiction and this agreement, underlie the organic evolution of progress and civilization. -from God in Freedom LUIGI LUZZATTI;
ALFONSO ARBIB-COSTA (TRANSLATOR) (1841-1927) was a scholar of tremendous

erudition and authority; an expert in economics, law, and politics; a champion of religious freedom in Italy-and a triumphant one: he was the nation's first Jewish prime minister, serving from 1910 to 1911. Just before that groundbreaking civil victory, though, in 1909, he achieved his other great success: the publication of his *God in Freedom*. Greatly expanded for its first English-language edition (of which this volume is a replica) *God in Freedom* is one of the most comprehensive and historically important discourses on religious liberty ever written. Luzzatti explores the battle for intellectual and philosophical independence from its pre-Christian proponents in the Far East to the movements in his day to keep civic life free of pious influence in the United Kingdom, Europe, and America. Saint Francis of Assisi and the Ku Klux Klan, the Buddha and Darwin...all are present here, and others; too, whose thoughts and actions have tested the boundaries between civic and religious life. This is a history of faith and freedom that is itself a cry for tolerance, openness, and careful separation of the secular and the sacred.

The American bombing of terrorist bases in Afghanistan under the protection of the Islamic fundamentalist Taliban movement has brought the Taliban into sharp focus as the most radical and extreme Islamic movement in the world today. Little is known about the Taliban because of the deep secrecy that surrounds their political movement, their leaders and their aims. The geo-strategic implications of the Taliban are already creating severe instability in Russia, Iran and the five Central Asian republics where the

Taliban have become a major player in the new Great Game, as Western countries and companies compete to build oil and gas pipelines from Central Asia to Western and Asian markets. The Taliban's implementation of their extreme interpretation of Islam poses new challenges to the Muslim world and the West's understanding of radical Islam in the post-Cold War era. 'Taliban: Islam, Oil and the New Great Game' was runner-up in the prestigious annual British-Kuwait Friendship Society Prize, administered by the British Society for Middle Eastern Studies.

From two symposia in the winter and spring of 1997 at Cambridge, England, 13 essays analyze a cluster of issues arising in the European Union public law arena. Some deal with issues of liability and the availability of remedies in European and domestic law.

Others take a broader view, looking at the phenomenon of cross-fertilization among national legal systems and between national systems and European Union law.

<http://dx.doi.org/10.12946/gplh6><http://www.epubli.de/shop/buch/53894>"The spatiotemporal conjunction is a fundamental aspect of the juridical reflection on the historicity of law. Despite the fact that it seems to represent an issue directly connected with the question of where legal history is heading today, it still has not been the object of a focused inquiry. Against this background, the book's proposal consists in rethinking key confluences related to this problem in order to provide coordinates for a collective understanding and dialogue. The aim of this volume, however, is not to offer abstract methodological considerations, but rather to rely both on concrete studies, out

of which a reflection on this conjunction emerges, as well as on the reconstruction of certain research lines featuring a spatiotemporal component. This analytical approach makes a contribution by providing some suggestions for the employment of space and time as coordinates for legal history. Indeed, contrary to those historiographical attitudes reflecting a monistic conception of space and time (as well as a Eurocentric approach), the book emphasises the need for a delocalized global perspective. In general terms, the essays collected in this book intend to take into account the multiplicity of the spatiotemporal confines, the flexibility of those instruments that serve to create chronologies and scenarios, as well as certain processes of adaptation of law to different times and into different spaces. The spatiotemporal dynamism enables historians not only to detect new perspectives and dimensions in foregone themes, but also to achieve new and compelling interpretations of legal history. As far as the relationship between space and law is concerned, the book analyses experiences in which space operates as a determining factor of law, e.g. in terms of a field of action for law. Moreover, it outlines the attempted scales of spatiality in order to develop legal historical research. With reference to the connection between time and law, the volume sketches the possibility of considering the factor of time, not just as a descriptive tool, but as an ascriptive moment (quasi an inner feature) of a legal problem, thus making it possible to appreciate the synchronic aspects of the 'juridical experience'. As a whole, the volume aims to present spatiotemporality as a challenge for legal history. Indeed,

reassessing the value of the spatiotemporal coordinates for legal history implies thinking through both the thematic and methodological boundaries of the discipline." In this ground-breaking book, renowned constitutional scholar Ran Hirschl describes "constitutional theocracy," a new, hybrid form of government that has emerged from an overlapping of two parallel trends during the 20th century: the rise in political religion on the one hand and the spread of constitutional forms of government to most countries in the world on the other. Hirschl delivers two blockbuster theses: That in most constitutional theocracies, 1) courts are the primary secular agents of government, and 2) the electorate usually has a choice between a secular party that is against redistribution of wealth and a more theological party that supports redistribution. This last thesis, especially, will be news to many of the book's American readers, who are accustomed to a theological politics stridently opposed to redistribution.

There is growing interest in constitutional amendment from a comparative perspective. Comparative constitutional amendment is the study of how constitutions change through formal and informal means, including alteration, revision, evolution, interpretation, replacement and revolution. The field invites scholars to draw insights about constitutional change across borders and cultures, to uncover the motivations behind constitutional change, to theorise

best practices, and to identify the theoretical underpinnings of constitutional change. This volume is designed to guide the emergence of comparative constitutional amendment as a distinct field of study in public law. Much of the recent scholarship in the field has been written by the scholars assembled in this volume. This book, like the field it hopes to shape, is not comparative alone; it is also doctrinal, historical and theoretical, and therefore offers a multiplicity of perspectives on a subject about which much remains to be written. This book aspires to be the first to address comprehensively the new dimensions of the study of constitutional amendment, and will become a reference point for all scholars working on the subject. The volume covers all of the topics where innovative work is being done, such as the notion of the people, the trend of empirical quantitative approaches to constitutional change, unamendability, sunrise clauses, constitutional referenda, the conventional divide between constituent and constituted powers, among other important subjects. It creates a dialogue that cuts through these innovative conceptualisations and highlights scholarly disagreement and, in so doing, puts ideas to the test. The volume therefore captures the fierce ongoing debates on the relevant topics, it reveals the current trends and contested issues, and it offers a variety of arguments elaborated by prominent experts in the field. It will open the way for further

dialogue.

The Years of Alienation in Italy offers an interdisciplinary overview of the socio-political, psychological, philosophical, and cultural meanings that the notion of alienation took on in Italy between the 1960s and the 1970s. It addresses alienation as a social condition of estrangement caused by the capitalist system, a pathological state of the mind and an ontological condition of subjectivity. Contributors to the edited volume explore the pervasive influence this multifarious concept had on literature, cinema, architecture, and photography in Italy. The collection also theoretically reassesses the notion of alienation from a novel perspective, employing Italy as a paradigmatic case study in its pioneering role in the revolution of mental health care and factory work during these two decades.

Spatial and Temporal Dimensions for Legal History
Research Experiences and Itineraries
Max Planck Institute for European Legal History

Holdsworth, William S. *Essays in Law and History*. Edited by A.L. Goodhart and H.G. Hanbury. Oxford: At the Clarendon Press, 1946. xv, 302 pp. Reprinted 1995 by The Lawbook Exchange, Ltd. LCCN 99-047234. ISBN 1-886363-13-7. Cloth. \$75. * This volume collects seventeen essays the great legal scholar wrote over the course of his very prolific career. Topics chosen include martial law, the English constitution, case law, equity, trusts, libel, law reporting in the nineteenth-

and twentieth-centuries, contract and land law, among others. "The constitutional historian, the international lawyer, the real property expert, the common law practitioner, the civilian and even the general reader will each find something to his address. It is a book to browse and enjoy at leisure.": *Law Quarterly Review* 64:120-2. The book concludes with a table of cases and name and general indexes.

Assume, for a moment, that the necessary tools are available to induce or even force states to comply with international law. In such a state of affairs, how strongly should international law be protected? More specifically, how easy should it be to change international law? Should treaties be specifically performed or should states be given an opportunity to 'pay their way out'? In the event of states violating their commitments, what kind of back-up enforcement or sanctions should be imposed? Joost Pauwelyn uses the distinction between liability rules, property protection and inalienable entitlements as a starting point for a new theory of variable protection of international law, placed at the intersection between 'European absolutism' and 'American voluntarism'. Rather than undermining international law, variable protection takes the normativity of international law seriously and calibrates it to achieve maximum welfare and effectiveness at the lowest cost to contractual freedom and legitimacy.

Discusses the social and economic conditions in which feudalism developed to offer an understanding of the processes at work in medieval Europe.

This book will describe the development of European Community consumer law and seek to determine to what extent action by the European Community has promoted the interest of consumer protection. In doing so it will consider important areas relating to protection of the consumers economic interests and physical safety, as well as questions of access to justice. In addition to assessing the success of community consumer policy the authors will also put forward suggestions for ways in which consumer protection can be enhanced at the community level.

The refreshed insights into early-imperial Roman historiography this book offers are linked to a recent discovery. In the spring of 2014, the binders of the archive of Robert Marichal were dusted off by the ERC funded project PLATINUM (ERC-StG 2014 n°636983) in response to Tiziano Dorandi's recollections of a series of unpublished notes on Latin texts on papyrus. Among these was an in-progress edition of the Latin rolls from Herculaneum, together with Marichal's intuition that one of them had to be ascribed to a certain 'Annaeus Seneca'. PLATINUM followed the unpublished intuition by Robert Marichal as one path of investigation in its own research and work. Working on the Latin P.Herc. 1067 led to confirm

Marichal's intuitions and to go beyond it: P.Herc. 1067 is the only extant direct witness to Seneca the Elder's *Historiae*. Bringing a new and important chapter of Latin literature arise out of a charred papyrus is significant. The present volume is made up of two complementary sections, each of which contains seven contributions. They are in close dialogue with each other, as looking at the same literary matter from several points of view yields undeniable advantages and represents an innovative and fruitful step in Latin literary criticism. These two sections express the two different but interlinked axes along which the contributions were developed. On one side, the focus is on the starting point of the debate, namely the discovery of the papyrus roll transmitting the *Historiae* of Seneca the Elder and how such a discovery can be integrated with prior knowledge about this historiographical work. On the other side, there is a broader view on early-imperial Roman historiography, to which the new perspectives opened by the rediscovery of Seneca the Elder's *Historiae* greatly contribute. This work has been selected by scholars as being culturally important and is part of the knowledge base of civilization as we know it. This work is in the public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. Scholars

believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. To ensure a quality reading experience, this work has been proofread and republished using a format that seamlessly blends the original graphical elements with text in an easy-to-read typeface. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant.

Established in 2002, the Euro is now the currency of 17 countries used by over 335 million people daily. Although the single currency is much discussed in terms of macroeconomics and global finances, policymakers rarely address its impact on European citizenship in social, cultural, political, and everyday life economics terms. This hidden side of the single currency is the focus of the essays, which use various approaches, from economic history and political sociology to citizenship and legitimacy, to reveal the connections between the Euro and European citizenship. This timely contribution by renowned experts provides a greater understanding of the Euro at a time when it is not clear whether it should be celebrated or commemorated, and looks into aspects of the single currency that are the base of the social trust that supports it and that is at stake in the present crisis. It will be an essential tool to anyone studying the political, social,

and economic development of the E.U.
(BAR S580)

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