

CONTENTS

<i>Preface</i>	XI
--------------------------	----

CHAPTER I

SOURCES OF ITALIAN LAW AND LEGAL FORMANTS

(*Marta Cenini*)

1. Main sources of Italian Law	1
1.1. Sources of production and hierarchy of sources of law	1
1.2. The Italian Constitution	2
1.3. Primary and secondary legislation	5
1.4. Regional legislation and European and international legislation . .	7
1.5. Customs and Usage	8
2. Legal formants	8

CHAPTER II

PERSONS AND FAMILY LAW

(*Marta Cenini and Rossella Esther Cerchia*)

1. Persons (<i>M. Cenini</i>)	11
2. An outline of family law (<i>R.E. Cerchia</i>)	14

CHAPTER III

SUCCESSION UPON DEATH

(*Rossella Esther Cerchia*)

1. Introduction	21
2. Some general principles	22
3. Intestate succession	25
4. Testamentary succession	28
5. Necessary succession	32

CHAPTER IV
PROPERTY, OWNERSHIP, AND POSSESSION

(Marta Cenini)

1.	Property rights vs obligations	37
2.	Property and things in the Italian legal system	39
3.	The right of ownership	43
	3.1. Definition of ownership	43
	3.2. Constitutional protection of ownership	45
	3.3. Ownership of land. In particular, the prohibition on intolerable immissions (Art. 844 c.c.)	47
	3.4. Acquisition of ownership and other real rights and judicial protection	48
4.	Limited property rights	49
5.	Possession	51
	5.1. Definition of possession	51
	5.2. Effects of possession	53
	5.3. Remedies against the deprivation and/or the disturbance of possession	55

CHAPTER V
LAW OF CONTRACT

(Marta Cenini)

1.	Law of obligations and law of contract	69
2.	Definition of contract in the Italian civil code	71
3.	Requisites of contract	72
4.	Effects of the contract. The contract in favor of third persons	79
5.	Assignment of contract, contracts for persons to be named and simulation (sham contracts)	82
6.	Invalidity	84
7.	Performance and termination of contract	88
	7.1. Diligence in performance	88
	7.2. Breach of contract: subjective and objective impossibility	89
	7.3. Action for performance and termination of contract	90
	7.4. Effects of resolution and contractual damages	92

CHAPTER VI
SPECIFIC CONTRACTS

(Rossella Esther Cerchia)

1.	“Contracts in general” v. “Specific contracts”	111
2.	A tendency toward the “typification” of atypical contracts	114

CHAPTER VII
NON-CONTRACTUAL LIABILITY
(*Rossella Esther Cerchia*)

1.	Introduction	127
2.	Wrongful damage.	130
3.	Elements of Art. 2043 c.c.	133
	3.1. Objective elements.	133
	3.2. Subjective elements.	135
4.	Defenses	136
5.	Vicarious liability	136
6.	Strict liability	138
7.	Damages	142