

1. Record Nr.	UNINA9910632485703321
Titolo	The making of the civil codes : a twenty-first century perspective / / Michele Graziadei, Lihong Zhang, editors
Pubbl/distr/stampa	Singapore : , : Springer, , [2023] ©2023
ISBN	981-19-4993-X
Descrizione fisica	1 online resource (415 pages)
Collana	Ius Gentium: Comparative Perspectives on Law and Justice ; ; Volume 104
Disciplina	340.56
Soggetti	Civil law - Codification Civil law systems
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di bibliografia	Includes bibliographical references.
Nota di contenuto	Intro -- Preface -- Contents -- Editors and Contributors -- Abbreviations -- On Civil Codes: A Twenty-First Century Perspective -- 1 The Force of an Idea -- 2 The Code Is Dead, Long Live the Code -- 3 The Letter and the Meaning of a Code -- 4 The Reasons for a Lasting Legacy -- References -- The Codifications at the Beginning of the Twenty-First Century -- 1 Codification: An Outdated Form of Legislation? -- 2 The Sustainability of Traditional Forms of Codification -- 2.1 The Codification-Modification Approach -- 2.2 Codification-Compilation -- 3 The Emergence of New Forms of Codification -- 3.1 Private Codification -- 3.2 Supranational Codification -- References -- Civil Law in Spain is Plural, as Are Its National Civil Codes -- 1 Introduction -- 2 The Coexistence of Civil Codes in Spain -- 3 Resilience v. Obsolescence of Codes -- 3.1 The Recodification Trend -- 3.2 The Obsolescence of the CC -- 3.3 The Failed Attempts at Comprehensive Reform -- 4 The Emergence of a Civil Code in Catalonia -- 4.1 Codification: An Unfinished Process -- 4.2 The Political Reasons for Codification -- 4.3 The Code and the Catalan Legal Tradition -- 4.4 Systemic Risks -- 5 Structure and Contents of the CC of Catalonia -- 5.1 Prescription and Caducity -- 5.2 Person and Family Law -- 5.3 Law of Succession -- 5.4 Contract Law -- 6 The Relevance of the Code as a Common of General Law

for Catalonia -- 7 Conclusion -- References -- The Making of the Turkish Civil Code -- 1 Introduction -- 2 An Overview of the Concept of Modernization in Turkey -- 3 Other Laws Affected by the Legal Adaptation Movement -- 4 Why the Swiss Civil Code was Chosen -- 5 The Effects of the Law Adaptation Movement on Modernization -- 6 Problems Faced During the Adaptation Process -- 7 Post-adaptation Period -- 8 Conclusion -- References -- The Perpetual French Codification -- 1 Introduction.  
2 The Meaning of Codification (What Is Codification?) -- 3 The Objectives of Codification (Why Do We Codify?) -- 4 The Drafters of Codification (Who Is the Codifier?) -- 5 The Content of Codification (What Do We Codify?). -- 5.1 Law of Contract -- 5.2 Law of Secured Transactions -- 5.3 Extra-Contractual Liability -- 6 The Methods of Codification (How and How Much Do We Codify?) -- 7 The Time and Place of Codification (When and Where to Codify?) -- 7.1 Time for Codification -- 7.2 Place for Codification -- 8 Conclusion -- References -- The Making, Meaning and Application of Civil Codes in the Netherlands -- 1 Introduction -- 2 Dutch Nineteenth Century Codifications: The Dawning of a New Era -- 3 The Role of the Judiciary in the Nineteenth Century -- 4 The Changing Role of the Judiciary in the Early Twentieth Century -- 5 Reform of the Code: The New (Un) Completed Civil Code of 1992 -- 6 The Codification of 1992: Still the Central Focus of Attention -- 7 The Legislature and the Courts: 'Two Partners in the Business of Law' -- 8 Enforcement of Constitutional Values: The Urgenda Case -- 9 The Future of the Dutch Civil Code -- References -- The Italian Civil Code at Eighty: Facing Old Age -- 1 The Making of the Italian Civil Code of 1942. -- 2 The Transition to Democracy in the Aftermath of the Second World War and the Renovation of Italian Legal Culture -- 3 The Law of Persons and Family Law -- 4 The Law of Succession -- 5 The Law of Property -- 6 The Law of Obligations -- 7 By Way of Conclusion: Texts, Interpreters, Codifiers -- References -- Blitzkrieg Codification: The 2020 Belgian Civil Code -- 1 Introduction -- 2 The History of Private Law Codification in Belgium -- 3 The 2016 Recodification Program -- 4 The Structure of the New Civil Code -- 5 The Methods of Editing the Code -- 6 Why Does It Work This Time? -- 7 Landmines on the Road to Completion?.  
8 Future Challenges -- 9 A Final Problem -- 10 Addendum -- References -- The Making of the Argentine Civil and Commercial Code -- 1 Purpose of This Paper -- 2 Some Relevant Facts -- 3 The Concept of Code. Managing Decodification. Some Instruments to Facilitate It -- 4 The Role of the Judge: The Constitutionalization of Private Law. The Value of Principles -- 5 The Human Being, Center of the System. Dignity and Autonomy -- 6 Methods of Interpretation -- 7 The Method of the Civil and Commercial Code. The Unification of Civil and Commercial Contracts. Consumer Law -- 8 Another Aspect of Constitutionalization. The Issue of Effectiveness. -- 9 Conservation and Innovation -- 10 What Was Left Along the Way and What Was Changed from the Initial Draft -- References -- Civil Law and Social Changes in Korea in the Past 30 Years -- 1 Introduction: Characteristics of Social Changes and Challenges During the Last 30 Years in Korea and Deficiencies in the Responses of the Civil Law in Korea -- 1.1 Social Changes and Challenges in Korea During the Last 30 Years -- 1.2 Responses to Social Change by Way of a Series of Partial Amendments of the Korean Civil Code -- 2 Series of Projects of Amendment of the Korean Civil Code -- 2.1 Two Attempted Projects of Amendment of the Korean Civil Code's Law of Property Fall Short of a Successful Complete Revision -- 2.2 Amendment of Family Law

in the Korean Civil Code a Relative Success -- 3 Legislative Action by Way of Special Civil Acts Outside the Korean Civil Code for a Timely Adaptive Response to Social Changes and Challenges -- 3.1 Legislative Responses to Growing Migration to Urban Centers, Shifting Social Structures, and Rapid Increases in the Price of Land and Housing by Reason of Growing Industrialization and Urbanization.

3.2 Evolution of Consumer Protection Laws to Protect Emerging Consumer Class Transitioning to a Consumer Based Economic Model -- 3.3 Acceptance of and Participation in the International Trend Toward Globalization -- 3.4 Changes of Practice and Theory of Juridical Acts with Growing Importance of Artificial Intelligence, Information Technologies, and the Advent of Hyper-Connected Societies -- 3.5 Responses of the Civil Law to the Extensive Immigration of North Korean Escapees -- 4 Modification of the Korean Civil Code by Judgments of the Constitutional Court and the Supreme Court -- 5 Diversification of Legal Methods to Remedy Damages -- 6 Conclusory Evaluation of the Past and Future Evolution of Korean Civil Law -- References -- Between Globalization and Localization: Japan's Struggle to Properly Update Its Civil Code -- 1 Introduction -- 2 Overview of Japan's Civil Code Reform of 2017 -- 2.1 The Origins of the Project -- 2.2 The Progress of Deliberations for Reform -- 3 Background to the Reform: The Civil Code in Society -- 3.1 Codification in the Late Nineteenth Century -- 3.2 Changes in Society and New Challenges -- 3.3 Special Statutes and Case Law as Responses -- 3.4 Implications for Civil Code Reform -- 4 Policies Adopted by the Reform -- 4.1 Observed Policies -- 4.2 Analysis of the Four Policies -- 5 Achievements of the Reform -- 5.1 Scale Down of the Reform -- 5.2 Simple Quantitative Analysis of the Reform -- 5.3 Triumph of Legal Technocrats -- 6 Prospects for the Future -- 7 Conclusions -- References -- The Chinese Civil Code: The Problem of Systematization -- 1 Introduction -- 2 Codification and Systematization -- 3 The Chinese Civil Code and Its Systematization -- 4 The Relation Between Book I (General Provisions) and Other Books -- 5 The Relation Between Different Specific Books.

6 The Internal Relation of Different Provisions Within One Book -- 7 Conclusion -- References -- Reinforcing the French Legacy While Borrowing from the Common Law: The Civil Code of Quebec (1991) -- 1 Introduction -- 2 Civil Law in a British Province, 1760-1866 -- 3 Civil Law in a Canadian Province, 1867-1955 -- 4 Recodifying Civil Law, 1955-1991 -- 5 Living with a New Code, 1991-2021 -- 6 The Ten Books of the Quebec Civil Code After Thirty Years -- 7 Conclusion -- References -- The German BGB: What Needs to Be Changed and Why -- 1 Codifications as Mirrors of Their Times -- 2 Modernization of the BGB -- 2.1 Past Proposals -- 2.2 A New Proposal -- 3 Conclusion -- References -- Second Wave of the PostSocialist Civil Law Recodification in Russia -- 1 The Idea of the Second Civil Law Recodification -- 2 Features of the Second Recodification of Russian Civil Law -- 2.1 Principle of Good Faith -- 2.2 Subject of Civil Law Regulation -- 2.3 Decisions of Meetings -- 2.4 Limitation of Actions -- 2.5 Real Rights -- 2.6 Obligations and Contracts -- 2.7 Securities -- 2.8 Financial Transactions -- 2.9 Inheritance Law -- References -- The Civil Codes of Switzerland from a Historical and Comparative Perspective: Some Reflections Based on the Swiss Experience -- 1 Introduction -- 2 The Triggering Effect of Napoleon and His Helvetic Republic -- 3 The Cantonal Codifications and the Difference in Understanding -- 3.1 Four Different Groups of Codifications -- 3.2 Two Significant Issues -- 4 The Unification Process Toward a First Federal Code -- 5 Some Final Thoughts -- 5.1 No Codes for Specific Groups of People -- 5.2 A Code

Has an Open Texture -- References -- The 2002 Brazilian Civil Code --  
1 Introduction -- 2 Roots of the 2002 Brazilian Civil Code -- 3 From  
Professor Miguel Reale's 1970 Civil Code Draft to the 2002 Civil Code.  
4 Does the 2002 Civil Code Respond to Contemporary Social Needs?.

---