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Autore	Harper John R. <1941->
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2. Record Nr.	UNINA9910790207703321
Titolo	The foundations of European private law / edited by Roger Brownsword, Hans-W. Micklitz, Leone Niglia, and Stephen Weatherill
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Nota di contenuto	pt. 1. Theoretical foundations -- pt. II. Political foundations -- pt. III. Multi-level structure of private law -- pt. IV. Enforcement and compliance PART ONE: THEORETICAL FOUNDATIONS -- 1. Editorial Introduction -- Roger Brownsword -- 2. 'Restatements' in Europe and the US: Some Comparative Lessons -- Hans Schulte-Nolke -- 3. Dogmatising Non-legislative Codifications: Non-legislative Reference Texts in European Legal Discourse -- Nils Janse -- 4. If You Don't Like Our Principles We Have Others: On Core Values and Underlying Principles in European Private Law: A Critical Discussion of the New 'Principles' Section in the Draft Common Frame of Reference -- Martijn Hesselink -- 5. The Need for Codified Guiding Principles and Model Rules in European Contract Law -- Benedicte Fauvarque-Cosson -- 6. Old and New Insights for the Protection of Consumers in European Private Law in the Wake of the Global Economic Crisis -- Brigitta Lurger -- 7. The Economics of Private Law Harmonised Law-making: Mechanisms, Modes and

Standards -- Fernando Gomez and Juan-Jose Genuza -- 8. Of Islands and the Ocean: The Two Rationalities of European Private Law -- Ralf Michaels -- 9. The Theoretical Foundations of European Private Law: A Time to Stand and Stare -- Roger Brownsword -- PART TWO: POLITICAL FOUNDATIONS -- 10. The Political Foundations of European Private Law: Editorial Introduction -- Leone Niglia -- 11. A Transnational Genealogy of Proportionality in Private Law -- Duncan Kennedy -- 12. Balancing in Private Law and the Imperatives of the Public Interest: National Experiences and (Missed?) European Opportunities -- Norbert Reich -- 13. New Paths of Private Law -- Guido Alpa -- 14. Political Foundations of European Private Law: Rethinking the East-West Division Lines -- Marek Safjan and Aneta Wiewiorowska-Domagalska -- 15. The Impact of the Harmonisation of Private Law on the Reform of Civil Law in the New Member States -- Paul Varul -- 16. European Private Law: Political Foundations and Current Challenges -- Reiner Schulze -- 17. Of Jurisdictional Balancing in European Private Law -- Leone Niglia -- PART THREE: MULTI-LEVEL STRUCTURE OF PRIVATE LAW -- 18. The Multi-level Structure of Private Law: Editorial Introduction -- Stephen Weatherill -- 19. Plurality of Sources in European Private Law, or: How to Live With Legal Diversity? -- Jan M Smits -- 20. Private Law in a Federal Perspective. -- Walter van Gerven -- 21. European Private Law: Unification, Harmonisation or Coordination? -- Karen Lilleholt -- 22. Top-Down or Bottom-Up? A Look at the Unification of Private Law in Federal Systems -- Mathias Reimann and Daniel Halberstam -- 23. The Foundations of Private Law in a Multi-level Structure: Balancing, Distribution of Law-making Power and other Constitutional Issues -- Matthias E Storme -- 24. A New Role for Private International and Procedural Law in European Integration? A Critical Comment -- Lubos Tichy -- PART FOUR: ENFORCEMENT AND COMPLIANCE -- 25. Enforcement and Compliance: Editorial Introduction -- Hans-W Micklitz -- 26. A Critical Note on Two EU Principles: A Proceduralist View on the Draft Common Frame of Reference (DCFR) -- Iana Tzankova and Martin Gramatikov -- 27. Public and Private Enforcement: The Practical Implications for Policy Architecture -- Christopher Hodges -- 28. The Hybrid Quality of European Private Law -- Hugh Collins -- 29. 'DCFR, Please Meet National Procedure': Enforcing the Frame of Reference using National Procedural Law -- Johan Lindholm -- 30. Individual Private Enforcement of Consumer Rights in Civil Courts in Europe -- Marco Loos -- 31. Enforcement and Compliance: An EU Law Perspective -- Jules Stuyck -- 32. From 'Toolbox' to Academic Standard: The Current and Future Status of the Draft Common Frame of Reference -- Ewoud Hondius -- 33. A Need for a New Structure for European Private Law -- Fryderyk Zoll -- 34. Administrative Enforcement of European Private Law -- Hans-W Micklitz

Sommario/riassunto

"There remains an urgent need for a deeper discussion of the theoretical, political and federal dimensions of the European codification project. While much valuable work has already been undertaken, the chapters in this volume take as their starting point the proposition that further reflection and critical thought will enhance the quality and efficacy of the on-going work of the various codification bodies. The volume contains chapters by representatives of the Common Frame of Reference, the Study Group and the Acquis Group as well as by those who have not been involved in particular projects but who have previously commented more distantly on their work - for instance those belonging to the Trento Group, and the Social Justice Group. The chapters between them represent the most comprehensive attempt so far to survey the state of the codification project, its theoretical, political and federal foundations and the future prospects

for enforcement and compliance."--Bloomsbury Publishing
There remains an urgent need for a deeper discussion of the theoretical, political and federal dimensions of the European codification project. While much valuable work has already been undertaken, the chapters in this volume take as their starting point the proposition that further reflection and critical thought will enhance the quality and efficacy of the on-going work of the various codification bodies. The volume contains chapters by representatives of the Common Frame of Reference, the Study Group and the Acquis Group as well as by those who have not been involved in particular projects but who have previously commented more distantly on their work - for instance those belonging to the Trento Group, and the Social Justice Group. The chapters between them represent the most comprehensive attempt so far to survey the state of the codification project, its theoretical, political and federal foundations and the future prospects for enforcement and compliance
