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The Principles of European Contract Law Ole Lando,2023-09-29

An arbitrator has to decide a case under a contract to be governed by internationally accepted principles of law A business person is negotiating a contract with a company in another EU state but neither party wishes to apply the law of the other party's country A lawyer is advising parties to contracts involving parties in other States An EU official is drafting a new Directive affecting contracts A professor of law wants her students to gain a solid understanding of the way in which contracts are treated by the laws of the different Member States and to understand the common principles All these need to know the fundamental principles of contract law shared by the legal systems of the Member States and to have a concise comprehensive and workable statement of them The Principles of European Contract Law provides this The Principles have been drawn up by an independent body of experts from each Member State of the EU under a project supported by the European Commission and many other organisations The Principles are stated in the form of articles with a detailed commentary explaining the purpose and operation of each article and its relation to the remainder A particularly valuable feature is that each article also has extensive comparative notes surveying the national laws and other international provisions on the topic The Principles of European Contract Law Parts I II covers the core rules of contract formation authority of agents validity interpretation contents performance non performance and remedies The articles previously published in Part I 1995 are included in a revised and re ordered form

Justifying Strict Liability Marco Cappelletti,2022-05-23

The imposition of strict liability in tort law is controversial and its theoretical foundations are the object of vigorous debate Why do or should we impose strict liability on employers for the torts committed by their employees or on a person for the harm caused by their children animals activities or things In responding to this type of questions legal actors rely on a wide variety of justifications

Justifying Strict Liability explores in a comparative perspective the most significant arguments that are put forward to justify the imposition of strict liability in four legal systems two common law England and the United States and two civil law France and Italy These justifications include risk accident avoidance the deep pockets argument loss spreading victim protection reduction in administrative costs and individual responsibility By looking at how these arguments are used across the four legal systems this book considers a variety of patterns which characterise the reasoning on strict liability The book also assesses the justificatory weight of the arguments showing that these can assume varying significance in the four jurisdictions and that such variations reflect different views as to the values and goals which inspire strict liability and tort law more generally Overall the book seeks to improve our understanding of strict liability to shed light on the justifications for its imposition and to enhance our understanding of the different tort cultures featuring in the four legal systems studied

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Table of Contents Manuale Di Diritto Privato Torrente Schlesinger

1. Understanding the eBook Manuale Di Diritto Privato Torrente Schlesinger
 - The Rise of Digital Reading Manuale Di Diritto Privato Torrente Schlesinger
 - Advantages of eBooks Over Traditional Books
2. Identifying Manuale Di Diritto Privato Torrente Schlesinger
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Manuale Di Diritto Privato Torrente Schlesinger
 - User-Friendly Interface
4. Exploring eBook Recommendations from Manuale Di Diritto Privato Torrente Schlesinger
 - Personalized Recommendations
 - Manuale Di Diritto Privato Torrente Schlesinger User Reviews and Ratings
 - Manuale Di Diritto Privato Torrente Schlesinger and Bestseller Lists
5. Accessing Manuale Di Diritto Privato Torrente Schlesinger Free and Paid eBooks
 - Manuale Di Diritto Privato Torrente Schlesinger Public Domain eBooks
 - Manuale Di Diritto Privato Torrente Schlesinger eBook Subscription Services
 - Manuale Di Diritto Privato Torrente Schlesinger Budget-Friendly Options

6. Navigating Manuale Di Diritto Privato Torrente Schlesinger eBook Formats
 - ePUB, PDF, MOBI, and More
 - Manuale Di Diritto Privato Torrente Schlesinger Compatibility with Devices
 - Manuale Di Diritto Privato Torrente Schlesinger Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Manuale Di Diritto Privato Torrente Schlesinger
 - Highlighting and Note-Taking Manuale Di Diritto Privato Torrente Schlesinger
 - Interactive Elements Manuale Di Diritto Privato Torrente Schlesinger
8. Staying Engaged with Manuale Di Diritto Privato Torrente Schlesinger
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Manuale Di Diritto Privato Torrente Schlesinger
9. Balancing eBooks and Physical Books Manuale Di Diritto Privato Torrente Schlesinger
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Manuale Di Diritto Privato Torrente Schlesinger
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Manuale Di Diritto Privato Torrente Schlesinger
 - Setting Reading Goals Manuale Di Diritto Privato Torrente Schlesinger
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Manuale Di Diritto Privato Torrente Schlesinger
 - Fact-Checking eBook Content of Manuale Di Diritto Privato Torrente Schlesinger
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

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