

The diffusion of the two Codes



- The similarities
- The reaction to the “heaven of legal concepts”
- The importance of case law:
 - In France: lacunas: car accidents (things in keeping – art. 1384 – statute in 1968)
 - In Germany: interpretation of legal concepts: nominalistic principle in the law of obligations (devaluation of mark after I world war – §242 BGB good faith: hardship)
- The influence of the French Civil Code
- The influence of the BGB
- The case of Italy

The Swiss civil code-1



- Unlike the German system, the German-speaking part of Switzerland did not experience a comprehensive reception of Roman law.
- Until the end of the 18th century the law in the territory of the Confederation was based on customs.
- 1798: French occupation.
- 1853 the code of the Canton of Zurich: this code had great effects on the civil code of Switzerland.
- The work of Huber and the adoption of civil code in 1907.

The Swiss civil code -2



- It was adopted in 1907 but it came into force on the 1st January 1912.
- A revised part of the Law of obligations came into force at the same time as the civil code.
- Structure - 4 parts and the law of obligations which is substantially the fifth part.
 - Law of persons
 - Family law
 - Law of succession
 - Law of property
- Style of the code
 - Clear and easy language; the code avoids technical jargon and internal cross-references.

The influence of the French civil code



- Between 1804 and 1812 the code civil came into force in many regions as the result of French military expansion.
- Exemples:
 - Belgium
 - Netherlands
- The code civil had a prolonged influence in other parts because of its merits
- Exemples:
 - Spain

The influence of BGB



- There was very little practical reception of the BGB, but the influence of the Historical school of Law and the Pandectistic School reached far beyond the boundaries of Germany.
- The influence on the Greek codification;
- The influence on the Italian code of 1942.

The Italian civil code



- 1804: introduction of the French civil code throughout the country.
- 1815 Congress of Vienna and the division of the Country into a number of small States, each with its own legal system. Most of the codes of these systems were inspired to Code Napoleon; exception: Milan, Venice and Trieste which form part of Austro-Hungarian empire, governed by the Austrian civil code.
- 1861: unification of Italy.
- 1865: civil code of Italy.

Italian civil code of 1865



- **Structure - 3 books:**
 - Law of persons
 - Law of property
 - Different method of acquiring property.
- **A faithful copy of the French civil code;**
- **Some exceptions:**
 - Art. 3 of the preliminary rules;
 - Art. 3 c.c.
 - Art. 148 c.c.

The Italian civil code of 1942



- The reorganization of the Italian university and the importance of Roman law.
- The strong influence of German studies
- 30 December 1923: appointment of a Commission for the reform of the civil code
 - 1924-1937: the draft of the first three books of the code.
 - 1 July 1939 and 21 April 1940 the Law of Persons and Family and the Law of Succession came into force.
- The other four books (Law of property, Law of Obligations, Law of labour, The protection of Rights) came into force on 21st April 1942.