

ASSOCIAZIONE ITALIANA DI DIRITTO COMPARATO

# RAPPORTS NATIONAUX ITALIENS

au XIV<sup>e</sup> Congrès International  
de Droit Comparé

Athènes 1994

---

# ITALIAN NATIONAL REPORTS

to the XIV<sup>th</sup> International Congress  
of Comparative Law

Athens 1994



MILANO • GIUFFRÈ EDITORE • 1994

# TABLE DES MATIÈRES SOMMAIRE

## SUMMARY TABLE OF CONTENTS

	page
<i>Foreword</i> by ALESSANDRO PIZZORUSSO . . . . .	VII
Section I.	
I.A.1. Continuity and Discontinuity of Law in Times of Social Revolution: The Case of Central and Eastern Europe, by G. AJANI . . . . .	1
» I.A.2. Notes on the Role of Canon Law and on Legal Historiography, by A. PADOA SCHIOPPA . . . . .	15
» I.B. Compelling and Non-Compelling Normative Formulations, by R. GUASTINI . . . . .	31
» I.C. The Use of Comparative Law by Courts, by M. TARUFFO . . . . .	49
» II.A.2. Mass Torts in the Italian System, by G. PONZANELLI .	61
» II.A.3. Le sort des biens et la pension alimentaire dans le divorce sans faute, par F. D. BUSNELLI et A. GIUSTI .	73
» II.A.4. Modern Techniques of Financial Transactions and Their Effects on Currency, by G. SANGIORGIO . . . . .	101
» II.B. The Status of Cultural Property in Private International Law, from an Italian Point of View, by S. FERRERI . . . . .	133
» II.C.1. Declining Jurisdiction in Civil and Commercial Matters: <i>Lis Pendens</i> and <i>Forum Non Conveniens</i> , by N. TROCKER . . . . .	177
» II.C.2. The Value of Witness Evidence in Italian Law, by S. CHIARLONI . . . . .	209
» II.D. Agriculture et environnement, par A. GERMANÒ et E. ROOK BASILE . . . . .	233
» III.A.1. Purchase of Common Stock and Controlling Shares Packages, by S. GATTI . . . . .	265
» III.B. Qualitative Standards for the Protection of Literary and Artistic Property, by R. PARDOLESI . . . . .	291

Section III.D.1.	Evolution du connaissance et système italien, par S. BUSTI . . . . .	305
» IV.B.2.	The Subsidiarity Clause and Its Effects on Community and National Legal Systems, by P. CARETTI . . . . .	345
» IV.C.1.	La condition juridique des réfugiés en Italie, par G. D'ORAZIO . . . . .	379
» IV.C.2.	La liberté religieuse dans le système constitutionnel italien, par P. BELLINI . . . . .	409
» IV.E.	Criteria for the Linkage between the Act Subject to Taxation and the Taxpayer (Nationality, Domicile or Residence or Source of Taxation), by C. GARBARINO .	427
» V.A.2.	Les sanctions pénales « alternatives » en Italie: expérience législative et applications, par F. GIUNTA .	453
» V.A.3.	Italian Left-Wing Terrorism and State Counterterrorism Strategies, by G. CASELLI and D. DELLA PORTA .	469
» V.B.	Summary Procedures: Negotiated Justice in the New Italian Code of Criminal Procedure, by P. FERRUA .	491
» VI.	References in the Italian Law Literature, by E. LAMARO . . . . .	521
» VII.	The Role of Expert Systems in Law. Advances in the Acquisition and Organization of Legal Knowledge, by C. CIAMPI . . . . .	531