

Oltre Il Pubblico E Il Privato Per Un Diritto Dei Beni Comuni

Property as a human rights concern is manifested through its incorporation in international instruments and as a subject of the law through property-related cases considered by international human rights organs. Yet, for the most part, the relationship between property and human rights has been discussed in rather superficial terms, lacking a clear substantive connection or common language. That said, the currents of globalisation have witnessed a new era of interrelation between these two areas of the law, including the emergence of international intellectual property law and the recognition of indigenous claims, which, in fundamental ways, speak to an engagement with human rights law. This collection starts the conversation between human rights lawyers and property lawyers and explores analytical approaches to the increasing relationship between property and human rights in a global context. The chapters engage with key theoretical and policy debates and range across three main themes: The re-evaluation of the public/private divide in the law; the tensions between the market and social justice in development and the balance between the rights of individuals and those of communities. The chapters adopt a global, comparative perspective and engage in case studies from countries including India, Philippines, Brazil, the United States, the United Kingdom and includes various regions of Africa and Europe.

The book reflects on the issues concerning, on the one hand, the difficulty in feeding an ever-increasing world population and, on the other hand, the need to build new productive systems able to protect the planet from overexploitation. The concept of "food diversity" is a synthesis of diversities: biodiversity of ecological sources of food supply; socio-territorial diversity; and cultural diversity of food traditions. In keeping with this transdisciplinary perspective, the book collects a large number of contributions that examine, firstly the relationships between agrobiodiversity, rural sustainable systems and food diversity; and secondly, the issues concerning typicality (food specialties/food identities), rural development and territorial communities. Lastly, it explores legal questions concerning the regulations aiming to protect both the food diversity and the right to food, in the light of the political, economic and social implications related to the problem of feeding the world population, while at the same time respecting local communities' rights, especially in the developing countries. The book collects the works of legal scholars, agroecologists, historians and sociologists from around the globe.

The book is an intellectual analysis of the political ideas of English radical thinker Thomas Spence (1750–1814), who was renowned for his "Plan", a proposal for the abolition of private landownership and the replacement of state institutions with a decentralized parochial organization. This system would be realized by means of the revolution of the "swinish multitude", the poor labouring class despised by Edmund Burke and adopted by Spence as his privileged political interlocutor. While he has long been considered an eccentric and anachronistic figure, the book sets out to demonstrate that Spence was a deeply original, thoroughly modern thinker, who translated his themes into a popular language addressing the multitude and publicized his Plan through chapbooks, tokens, and songs. The book is therefore a history of Spence's political thought "from below", designed to decode the subtle complexity of his Plan. It also shows that the Plan featured an excoriating critique of colonialism and slavery as well as a project of global emancipation. By virtue of its transnational scope, the Plan made landfall in the British West Indies a few years after Spence's death. Indeed, Spencean ideas were intellectually implicated in the largest slave revolt in the history of Barbados.

Il volume si propone di analizzare, anche in prospettiva comparata, le spinte alla privatizzazione che interessano l'azione e l'organizzazione amministrativa, e le mutazioni da queste indotte, al fine di evidenziare le tensioni, anche sul piano della tutela dell'interesse generale dall'impiego di strumenti privatistici e dall'eternalizzazione a soggetti privati di compiti pubblici.

This volume focuses on how, in Europe, the debate on the commons is discussed in regard to historical and contemporary dimensions, critically referencing the work of Elinor Ostrom. It also explores from the perspective of new institutional political ecology (NIPE) how Europe directly and indirectly affected and affects the commons globally. Most of the research on the management of commons pool resources is limited to dealing with one of two topics: either the interaction between local participatory governance and development of institutions for commons management, or a political-economy approach that focuses on global change as it is related to the increasingly globalised expansion of capitalist modes of production, consumption and societal reproduction. This volume bridges the two, addressing how global players affect the commons worldwide and how they relate to responses emerging from within the commons in a global-local (glocal) world. Authors from a range of academic disciplines present research findings on recent developments on the commons, including: historical insights; new innovations for participatory institutions building in Europe or several types of commons grabbing, especially in Africa related to European investments; and restrictions on the management of commons at the international level. European case studies are included, providing interesting examples of local participation in commons resource management, while simultaneously showing Europe as a centre for globalized capitalism and its norms and values, affecting the rest of the world, particularly developing countries. This book will be of interest to students and researchers from a wide range of disciplines including natural resource management, environmental governance, political geography and environmental history.

This book provides a sharp tool for clarifying the nature of power relations in our globalized world. It presents a coherent approach from diverse disciplinary and geopolitical perspectives on key concepts such as power, democracy and the law, connecting studies of coloniality, Caribbean thought, critical legal thinking and Latin American studies.

This book is dedicated to the consolidation and to the expansion of theoretic systems thinking as a necessary integration of the general reductionist and analytical attitude dominant in our culture.

Reductionism and analytical approaches have produced significant results in many fields of contemporary knowledge giving a great contribution to relevant scientific discoveries and to their technological application, but their validity has been improperly universalized as the only and best methods of knowledge in every domain. It is nowadays clear that analytical or mereological approaches are inadequate to solve many problems and that we should introduce – or support the diffusion of - new concepts and different research attitudes. A good candidate to support such a shift is the well known theoretical approach based on the concept of "system" that no more considers the elementary constituents of an object, but the entity emerging from the relations and interactions among its elementary parts. It becomes possible to reconstruct several domains, both philosophical and scientific, from the systemic point of view, introducing fresh ideas in the research in view of a general rational vision of the world on more comprehensive basis. This book contributes to the diffusion and evolution of systemic thinking by focusing on two main objectives: developing and updating the systemic approach in disciplines currently using it and introducing the systemic perspective in humanistic disciplines, where the approach is not widely used. The Systemic Turn in Human and Natural Sciences: A Rock in the Pond is comprised of ten chapters. The chapter authors adopt a trans-disciplinary perspective, consisting in the recognition and harmonization of the special outlooks that together, within the general systemic paradigm, gives an ideal

unity to the book.

This book examines the normative principles that guide the governance of education, in particular the notion of education as a public good. Determining whether this concept is still valid is a topic of growing importance, especially considering the phenomena of increasing privatisation and marketisation in the sector. The author posits that the prioritisation of economic aspects of education may lead to the weakening of the role of the State in ensuring equality of opportunity and social justice, and thus to a significant risk of considering education as merely a private, marketable good. The volume argues that considering education as a common good can lead to the strengthening of democratic and participatory approaches to educational governance, based on the recognition of education as a shared endeavour and responsibility. It will be of interest and value to students and scholars of education as a public good, social justice, and the wider neoliberalisation of the education sector.

The recent austerity measures currently adopted in numerous European countries assume that a rise in public debt should automatically result in cuts to social programmes and the privatisation of “inefficiently” managed resources. This type of reasoning is being used to justify the destruction of social rights of citizens for the profit of the private sector, resulting in more limited access to the most fundamental resources such as water, nature, housing, culture, knowledge and information, mainly for the most vulnerable members of society. Such a view, informed solely by short-term growth and profit cycles, is endangering access to those resources not only for current generations but for future ones as well. This book is an attempt to go beyond liberal approaches to intergenerational and distributive justice. It emphasises the role of commons and communities of the commons, driven by the desire to defend and perpetuate those fundamental resources under the threat of expropriation by the state and the market. This book also offers policy makers and citizens, who wish to accept their political responsibility by being active and refusing corporate ideology, some best practices as well as methods and solutions for renewing the configurations of societal relationships through commons, thereby integrating the interests of future generations in the European Community’s decision-making processes and institutions. This is a contribution by the Council of Europe and the International University College of Turin to the protection of the dignity of every person, especially of those who, even though unable to enjoy existing social rights, have the right to benefit from choices and policies that ensure that human life remains unspoiled

Contributions to Law, Philosophy and Ecology: Exploring Re-Embodiments is a preliminary contribution to the establishment of re-embodiments as a theoretical strand within legal and ecological theory, and philosophy. Re-embodiments are all those contemporary practices and processes that exceed the epistemic horizon of modernity. As such, they offer a plurality of alternative modes of theory and practice that seek to counteract the ecocidal tendencies of the Anthropocene. The collection comprises eleven contributions approaching re-embodiments from a multiplicity of fields, including legal theory, eco-philosophy, eco-feminism and anthropology. The contributions are organized into three parts: ‘Beyond Modernity’, ‘The Sacred Dimension’ and ‘The Legal Dimension’. The collection is opened by a comprehensive introduction that situates re-embodiments in theoretical context. Whilst closely bound with embodiment and new materialist theory, this book contributes a unique voice that echoes diverse political processes contemporaneous to our times. Written in an elegant and accessible language, the book will appeal to undergraduates, postgraduates and established scholars alike seeking to understand and take re-embodiments further, both politically and theoretically.

The issue of debt and how it affects our lives is becoming more and more urgent. The "Austerity" model has been the prevalent European economic policies of recent years led by the "German model". Elettra Stimilli draws upon contemporary philosophy, psychology and theology to argue that austerity is built on the idea that we somehow deserve to be punished and need to experience guilt in order to take full account of our economic sins. Following thinkers such as Max Weber, Walter Benjamin and Michel Foucault, Debt and Guilt provides a startling examination of the relationship between contemporary politics and economics and how we structure our inner lives. The first English translation of *Debito e Colpa*, this book provokes new ways of thinking about how we experience both debt and guilt in contemporary society.

There is much current controversy over whether the rights to seeds or plant genetic resources should be owned by the private sector or be common property. This book addresses the legal and policy aspects of the multilateral seed management regime. First, it studies in detail the International Treaty on Plant Genetic Resources for Food and Agriculture (the Treaty) in order to understand and identify its dysfunctions. Second, it proposes solutions - using recent developments of the "theory of the commons" - to improve the collective seed management system of the Treaty, a necessary condition for its member states to reach the overall food security and sustainable agriculture goals. *Redesigning the Global Seed Commons* provides a significant contribution to the current political and academic debates on agrobiodiversity law and governance, and on food security and food sovereignty, by analyzing key issues under the Treaty that affect the design and implementation of regulatory instruments managing seeds as a commons. It also examines the practical, legal, political and economic problems encountered in the attempt to implement these obligations in contemporary settings. In particular, it considers how to improve the Treaty implementation by proposing ways for Contracting Parties to better reach the Treaty’s objectives taking a holistic view of the human-seed ecosystem. Following the tenth anniversary of the functioning the Treaty’s multilateral system of access and benefit-sharing, which is currently under review by its Contracting Parties, this book is well-timed to examine recent developments in the field and guide the current review process to design a truly Global Seed Commons.

This comprehensive Handbook offers a thoughtful survey of contract theories, issues and cases in order to reassess the field's present vision of contract law. It engages a critical search for the fault lines which cross traditions of thought and globalized landscapes. *Comparative Contract Law* is built around four main groups of insights, including: the genealogies of contractual theoretical thinking; the contentious relationship between private governance and normative regulations; the competing styles used to stage contract law; and the concurring opinions expressed within the domain of other disciplines, such as literature and political theory. The chapters in the book tease out the tensions between a global context and local frameworks as well as the movable thresholds between canonical expressions and heterodox constructions.

From the scientific and industrial revolution to the present day, food – an essential element of life – has been progressively transformed into a private, transnational, mono-dimensional commodity of mass consumption for a global market. But over the last decade there has been an increased recognition that this can be challenged and reconceptualized if food is regarded and enacted as a commons. This Handbook provides the first comprehensive review and synthesis of knowledge and new thinking on how food and food systems can be thought, interpreted and practiced around the old/new paradigms of commons and commoning. The overall aim is to investigate the multiple constraints that occur within and sustain the dominant food and nutrition regime and to explore how it can change when different elements of the current food systems are explored and re-imagined from a commons perspective. Chapters do not define the notion of commons but engage with different schools of thought: the economic approach, based on rivalry and excludability; the political approach, recognizing the plurality of social constructions and incorporating epistemologies from the South; the legal approach that

describes three types of proprietary regimes (private, public and collective) and different layers of entitlement (bundles of rights); and the radical-activist approach that considers the commons as the most subversive, coherent and history-rooted alternative to the dominant neoliberal narrative. These schools have different and rather diverging epistemologies, vocabularies, ideological stances and policy proposals to deal with the construction of food systems, their governance, the distributive implications and the socio-ecological impact on Nature and Society. The book sparks the debate on food as a commons between and within disciplines, with particular attention to spaces of resistance (food sovereignty, de-growth, open knowledge, transition town, occupations, bottom-up social innovations) and organizational scales (local food, national policies, South–South collaborations, international governance and multi-national agreements). Overall, it shows the consequences of a shift to the alternative paradigm of food as a commons in terms of food, the planet and living beings.

This book presents the results of extensive international comparative research into the effects of the economic and financial crisis on democratic institutions and social cohesion policies. The collected studies describe and analyse the measures (often referred to as "reforms") adopted to counter the crisis and the effects of these measures. It investigates three areas: the impact on the functioning of institutions, with respect to the relationship between representative institutions and governments, and the organisational structure of administrations at national and local levels; the impact that the austerity policies on public spending have on social rights; and the impact on traditional instruments of public action (administrative simplification, public services delivering, the use of common assets). The general findings highlight the effect of reducing the administrative and government capacity of the democratic institutions: the public sector, rather than being innovative and made more effective, declines, offering increasingly poor public services and making bad decisions, fuelling substantive or formal privatisation solutions, which in turn cause further weakening.

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Il volume raccoglie gli atti del XXème Congrès International de la Société Rencesvals pour l'étude des épopées romanes (Sapienza - Università di Roma, 20-24 luglio 2015) e presenta lo stato dell'arte e le ricerche in corso sull'epica romanza medievale propriamente detta, sulla sua posterità nell'età moderna e sulla produzione non romanza a essa correlata, offrendo un panorama ricco ? se non completo ? degli attuali orientamenti scientifici e dei risultati raggiunti. Per il congresso di Roma ? cui hanno preso parte studiosi provenienti dall'Europa, dal Nord e dal Sud America e dall'Africa ? sono stati proposti i seguenti temi: I. Rome et l'Italie dans les chansons de geste; II. Phénomènes de cyclisation: grandes et petites gestes; III. Le XVe siècle: proses et renouvellements; IV. L'histoire des recherches sur la matière de France; a questi si aggiungono gli interventi raccolti nella sezione Varia.

In *Marx and Singularity*, Luca Basso analyses how the development of Marx's thought, from the early writings to the *Grundrisse*, can be understood as a search for the realisation of workers' singularities.

Coping with the challenges of global economic governance is a topical issue of the current international agenda, and the object of a vivid debate among scholars and policy-makers. The international financial and economic crisis that erupted in 2007 reveals the fallibility of the neoliberal paradigm that has dominated the world economic landscape for the last quarter of a century; regulatory and supervisory institutions have disclosed their weaknesses, and markets have shown their limits in dealing with the rational allocation of risks, and their lack of resilience to shocks. This book offers a comprehensive view of this matter, examining the dialectic and fluid relations between State sovereignty, supranational rules and the role of markets. The opportunity to deal with economic and regulatory challenges through the lens of legitimacy and effectiveness is the *fil rouge* of the co-authors' original contributions and the inner-sense of the book. This critical perspective results particularly in investigating gaps and ambiguities of the institutional framework currently underpinning the major international economic organisations (IMF, WTO, G20, EMU), in re-discussing the State's regulatory role in coping with the challenges of the global economy, and in studying the contradictory interactions between financial paradigms and sustainability with regards to economic development policies.

This book explores the complex domain of social reality, asking what this reality is, how it is composed and what its dynamics are in both theoretical and practical terms. Through the examination of some of the most important contemporary theories of social ontology, the book discusses the fundamentals of the discipline and lays the foundations for its development in the political sphere. By analyzing the notion of State and the redesign of ontology, the author argues in favor of a realist conception of the State and shows the reasons why this promotes a better understanding of the dynamics of power and the actualization of a greater justice between generations. This book captures the relationship between different generations within the same political context, and presents it as a necessary condition for the re-definition of the concepts of State and meta-State.

Economic growth and the creation of wealth have cut global poverty rates, yet vulnerability, inequality, exclusion and violence have escalated within and across societies throughout the world. Unsustainable patterns of economic production and consumption promote global warming, environmental degradation and an upsurge in natural disasters. Moreover, while we have strengthened international human rights frameworks over the past several decades, implementing and protecting these norms remains a challenge. These changes signal the emergence of a new global context for learning that has vital implications for education. Rethinking the purpose of education and the organization of learning has never been more urgent. This book is inspired by a humanistic vision of education and development, based on respect for life and human dignity, equal rights, social justice, cultural diversity, international solidarity and shared responsibility for a sustainable future.

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Ombre Corte European Democratic Institutions and Administrations
Cohesion and Innovation in Times of Economic Crisis
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This volume presents global and comparative perspectives on the perpetual pendular movement of family law between status and contract. It contributes to the topical academic debate on

'family law exceptionalism' by exploring the blurred lines between public law, private law and family law, and sheds light on the many shades of grey that exist. The contributions focus on both substantive and procedural family law on parents and children and on life partners, with particular attention for contractual arrangements of family formations and of conflict resolution. The hypothesis underlying all contributions was the trend towards contractualisation of family law. A convergent research outcome resulting from the comparison of national reports was the ambivalent position of family law in legal systems worldwide. That comparison shows that, whereas family law is clearly moving towards contract with regard to old family formations, the contrary is true for new family formations. The movement towards contract is rarely considered to be contractualisation *pur sang*, with civil effect. The movement towards status, finally, does not necessarily witness 'family law exceptionalism' vis-à-vis private law, in view of the increasing State interventionism in private law relations in general. In sum, as the volume shows, the high permeability of the demarcations between the State, the family and the market impedes a categorial approach. This volume is based on the general and selected national reports on the topic "Contractualisation of Family Law" that were presented at the XIXth International Congress of Comparative Law in Vienna in July 2014.

This book highlights the cogency and urgency of the protection of indigenous peoples and discusses crucial aspects of the international legal theory and practice relating to their rights. These rights are not established by states; rather, they are inherent to indigenous peoples because of their human dignity, historical continuity, cultural distinctiveness, and connection to the lands where they have lived from time immemorial. In the past decades, a new awareness of the importance of indigenous rights has emerged at the international level. UN organs have adopted specific international law instruments that protect indigenous peoples. Nonetheless, concerns persist because of continued widespread breaches of such rights. Stemming from a number of seminars organised at the Law Department of the University of Roma Tre, the volume includes contributions by distinguished scholars and practitioners. It is divided into three parts. Part I introduces the main themes and challenges to be addressed, considering the debate on self-determination of indigenous peoples and the theoretical origins of 'indigenous sovereignty'. Parts II and III explore the protection of indigenous peoples afforded under the international law rules on human rights and investments respectively. Not only do the contributors to this book critically assess the current international legal framework, but they also suggest ways and methods to utilize such legal instruments towards the protection, promotion and fulfilment of indigenous peoples' rights, to contribute to the maintenance of peace and the pursuit of justice in international relations.

Italia: Civiltà e Cultura offers a comprehensive description of historical and cultural development on the Italian peninsula. This project was developed to provide students and professors with a flexible and easy-to-read reference book about Italian civilization and cultural studies, also appropriate for cinema and Italian literature classes. This text is intended for students pursuing a minor or a major in Italian studies and serves as an important learning tool with its all-inclusive vision of Italy. Each chapter includes thematic itineraries to promote active class discussion and textual comprehension check-questions to guide students through the reading and understanding of the subject matter.

The ecosystem approach, broadly understood as a legal and governance strategy for integrated environmental and biodiversity management, has been adopted within a wide variety of international environmental legal regimes and provides a narrative, a policy approach and in some cases legally binding obligations for States to implement what has been called a 'new paradigm' of environmental management. In this last respect, the ecosystem approach is also often considered to offer an opportunity to move beyond the outdated anthropocentric framework underpinning much of international environmental law, thus helping re-think law in the Anthropocene. Against this background, this book addresses the question of whether the ecosystem approach represents a paradigm shift in international environmental law and governance, or whether it is in conceptual and operative continuity with legal modernity. This central question is explored through a combined genealogical and biopolitical framework, which reveals how the ecosystem approach is the result of multiple contingencies and contestations, and of the interplay of divergent and sometimes irreconcilable ideological projects. The ecosystem approach, this book shows, does not have a univocal identity, and must be understood as both signalling the potential for a decisive shift in the philosophical orientation of law and the operationalisation of a biopolitical framework of control that is in continuity with, and even intensifies, the eco-destructive tendencies of legal modernity. It is, however, in revealing this disjunction that the book opens up the possibility of moving beyond the already tired assessment of environmental law through the binary of anthropocentrism and ecocentrism.

In this important contribution to political theory, Massimo Modonesi develops the thesis that a Marxist theory of political action can be developed from the notion of antagonism, defined as a distinctive feature of struggle and of the political experience of insubordination.

The joint challenges of population increase, food security and conservation of agrobiodiversity demand a rethink of plant breeding and agricultural research from a different perspective. While more food is undeniably needed, the key question is rather about how to produce it in a way that sustains biological diversity and mitigates climate change. This book shows how social sciences, and more especially law, can contribute towards reconfiguring current legal frameworks in order to achieving a better balance between the necessary requirements of agricultural innovation and the need for protection of agrobiodiversity. On the assumption that the concept of property can be rethought against the background of the 'right to include', so as to endow others with a common 'right to access' genetic resources, several international instruments and contractual arrangements drawn from the plant-breeding field (including the Convention on Biological Diversity, technology exchange clearing houses and open sources licenses) receive special consideration. In addition, the authors explore the tension between ownership and the free circulation and exchange of germplasm and issues such as genetic resources managed by local and indigenous communities, the ITPGRFA and participatory plant-breeding programmes. As a whole, the book demonstrates the relevance of the 'Commons' for plant breeding and agricultural innovation.

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