

Quale diritto per quale giustizia?

Una comparazione inclusiva
tra intersezioni giuridiche e mutamenti sociali

Which law for which justice?

*An inclusive comparison
between legal intersections and social changes*

Book edited by
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SYNOPSIS

The book contains a collection of contributions that – from a variety of perspectives, all aimed at outlining a comprehensive overview – are devoted to a topic of extreme width and complexity, synthesised by the broad question of the title: “**Which law for which justice?**”.

The goal is to create a reflection based on **inclusive comparison**, that is, implemented by following an investigation method apt to reveal the **intersections** between different disciplines and **social** experiences, too. Multiple paths are followed. They were identified by considering some of the most significant changes occurred in the contemporary age. Indeed, the common thread is represented by **change**. This is understood not only in light of the developments due to the rapid emergence of **new technologies**, which are penetrating in many area more and more increasingly, but also in light of **globalisation** and the related phenomena.

The intertwining of both profiles prompts a general rethinking of the **role of law**, or rather, of legal thought, **currently**. A myriad of challenges need to be taken into account. An in-depth exploration of some of the most pressing ones is proposed in the various chapters. These are dedicated to much debated problems, from different viewpoints, which are united by a critical vision capable of providing interesting keys to understanding the prevailing trends, observable sometimes in legislative solutions, sometimes in judicial decisions – at the internal, international and supranational levels –, sometimes in practices.

In each chapter, every Author delves into a topic pertaining to the main areas of his or her research, in highlighting the correlations between the distinct legal fields and other human and social sciences (i.e., philosophy, sociology, history, politics, economics, etc.). This is a marking trait that characterises the features of the Series, entitled *Perimetri multidisciplinari (Multidisciplinary Perimeters)*, whose **Scientific Committee** is composed of the following Professors: Carmen Azcárraga Monzonís, Carlos Esplugues Mota, Orsetta Giolo, Giancarlo Rolla, Nicolò Trocker and Elena Urso.

To allow easy consultation of the text, it has been divided into **four parts**. The first part ranges from a variety of issues relating to the relationship between **‘jurisprudence’, laws and justice**, with a special focus on the effectiveness of the guarantees to be provided to ensure full respect for the **dignity** and **equality** of every human being. In the **second** part, particular attention is paid to the guarantee of the **due process** of law, in dealing with **extrajudicial conflict resolution methods**, through a detailed examination of rules embodied in state statutory provisions, in other binding legal sources or proposed by soft law. In the **third** part, principles and rules applicable in the fields of **contract law** and **civil liability** are examined in some contexts in which fundamental objectives of public relevance are of paramount importance, in respect of the exercise of freedoms (of opinion and expression, of movement, of self-determination, etc.) and of the protection of fundamental rights (to health, equal dignity, etc.). In the **fourth** part, the comparative analysis is structured along a path that gives prominence to key issues, in the sphere of contemporary private law, concerning both the new frontiers of **child and family law**, and other situations in which it is necessary to regulate the methods of access to various **technological innovations**, in accordance with core values expressed by primary source of law – dictated by Constitutional Charters or International Conventions – , so as to place clear limitations, in order to prevent abuses in the use of various digital resources and services, also in relation to **artificial intelligence** and one of the most controversial methods of **artificial reproduction technique** (i.e., surrogated motherhood).

Finally, the Editor of the book recalls the vision of legal comparison adopted by **Anna De Vita** (Lucca, 1941 – Florence, 2025), the **first woman** to be appointed Full Professor in the then ‘Faculty’ of Law of the University of Florence, in 1986. This volume, which is dedicated to her, in keeping a promise dating back to when she was still alive, is the **first collection** of writings published **in her memory**.

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