

Norme, concetti, argomenti

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Rules, Concepts, Arguments

Abstract: The paper deals with the widespread use of constitutional and supranational principles in private law. Nowadays, positive jurists have to work daily with generic rules, that do not precisely identify their scope, the cases to which they are to apply: this phenomenon affects the certainty and predictability of legal decisions. The Principle of effectiveness – which is posed by precise legal provisions – can contribute to a useful dialogue between positive jurists and philosophers.

Keywords: Private law, Rules, Principles, Philosophy of law, Effectiveness.

notizie di POLITEIA, XXXII, 122, 2016. ISSN 1128-2401 pp. 120-127