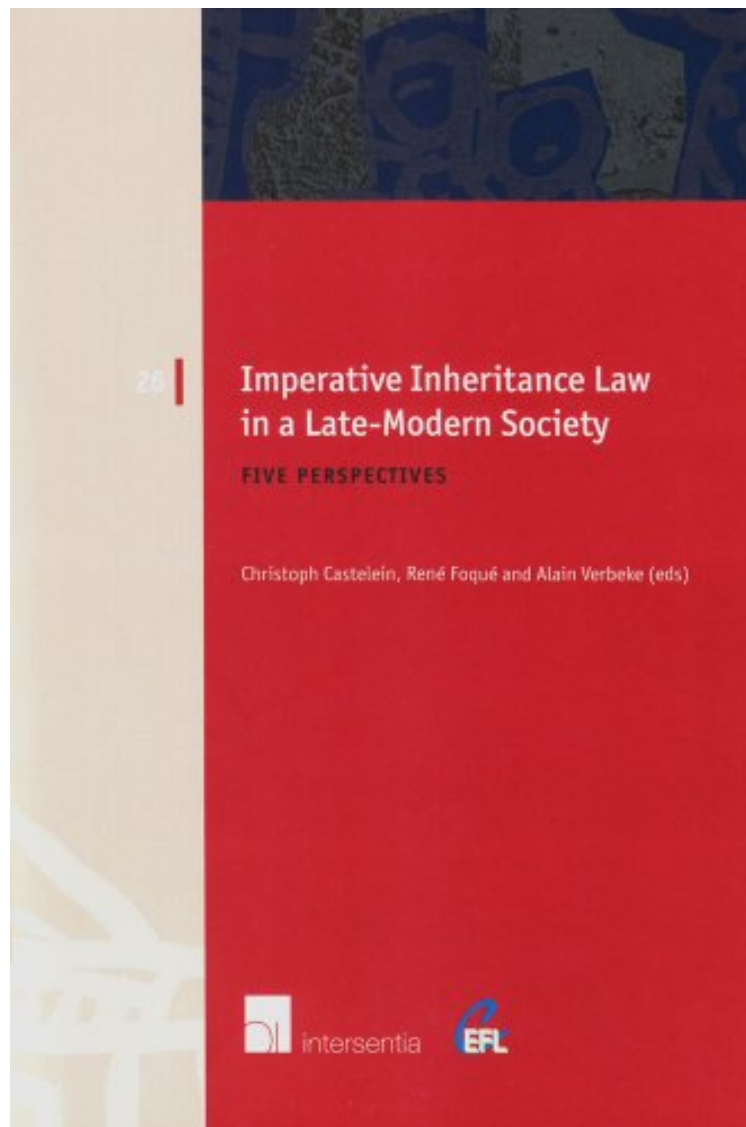


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Imperative Inheritance Law in a Late-Modern Society: Five Perspectives (European Family Law)

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After more than two centuries since the introduction of the Code Napoleon (and the relative quiet in both the theory and practice of succession law), it now seems that a period of increasing tension, especially concerning the imperative inheritance law, has commenced. Closer observation of this phenomenon shows a similar development in the broader field of private law since the middle of the 19th century. The new social fabric, characteristic of a more industrial type of society, no longer fit the closed system of private law. In this context, the system of private law faced not only a growing lack of legitimacy, but also a conceptual deficit. The current Napoleonic system, due to its closed self-referential character, has seemed incapable of establishing the conceptual refinements required from within: refinements that are able to address and to respond adequately to new social and economic realities. Nor does it seem to be able to justify the necessary balance of interests and value-orientations. Succession law, after all, affects the foundations and continuity of the social fabric. Consequently, it is sensitive to changes which occur in the weaving of that fabric and which apply, for example, to the relative dominance of consanguinity, solidarity, morals, and decency. When such serious processes of change are at issue, they can only be understood accurately in their specific nature by analyzing them in a comparative way with alternative situations and their respective alternative legal attributions. This volume of Intersentia's European Family Law series offers a larger and more contextualized view on succession law by studying the issue of imperative inheritance law from five different perspectives: legal anthropology, legal history, sociology of law, law and economics, and comparative law. All perspectives are introduced by eminent scholars. Thus, this book contributes to developing a new understanding and better insights into succession law.