

**Parte I**  
**Dottrina**

GERHARD HOHLOCH, *La protezione della vita familiare nella CEDU e nella carta UE* ..... p. 115

Abstract. *The essay, which emerged from a speech in Catania, deals with the “protection of marriage and the family” through family law and, above all, through fundamental rights and human rights, which are practised in Europe on the basis of the European Convention on Human Rights (Art. 8) and the EU Charter (Art. 7) by the competent Courts (Court of Human Rights in Strasbourg and European Court of Justice in Luxembourg). The overwhelming importance of the case law of the Strasbourg Court also for Italy is evident.*

ELSA BIVONA, *L'obbligo di fedeltà dopo la stagione delle riforme* .....» 125

Abstract. *The issue regarding fidelity obligation can be viewed from more than one standpoint, reopening a path to the central questions concerning family law. A tangible sign of progress so far is the principle of equality between husband and wife, fidelity obligation is also an important landmark in the rapid evolution that has been reached with the introduction of civil responsibility even within the family circle. The lack of provision in the recent law on civil unions is today the focus of a lively doctrinal debate. This omission, seen in different lights by scholars, seems to reflect a legal idea of the of civil union as the chosen “place” for homosexual couples, by nature alien both to the idea of procreation and to that of a “community” dimension that connotes a traditional family. This latter aspect seems to find confirmation in the lack of provision for collaboration and in the minimal procedures required to dissolve the relationship as well as in the preclusion of binding relations with family members of the other party. Another interesting aspect concerns the relationship between the fidelity obligation and private autonomy, with particular reference, on the one hand, to the decline in such a duty between husband and wife and, on the other, the possibility that the parts of a civil union create fidelity obligation to each other through pacts.*

CLAUDIA BENANTI, *La funzione dell'assegno di divorzio nel sistema dei rapporti patrimoniali tra coniugi* .....» 157

Abstract. *The United Sections of the Italian Supreme Court, dealing with the factors influencing the right of a former spouse to receive financial provisions from the other one, reject both the principle according to which a lack of financial independence is required and the traditional opinion that the matrimonial life style has still to be ensured. They highlight the need to balance the financial status of the spouses and to take into account the contribution that each one gave to the family life and to the matrimonial property. Nevertheless, the Supreme Court hasn't really been able to provide the national judges with precise guidelines about the standard of proof, which would be required. Furthermore, there is the need to analyse the consequences that the principles recently set forth by the Court could have on the matrimonial property regimes.*

FRANCESCO FELIS, *Il negozio di destinazione e la meritevolezza degli interessi* .....» 169

Abstract. *The worthbubileness meaning is the most characteristic and controversial matter raised by the art. 2645 ter c.c. under which depends the application of the law. The art. 2645 ter c.c. allows an independent asset creation on condition that included goods are destined just to pursue a “worthy” purpose. The matter goes beyond the right interpretation of the article, and it acquires a general value because through the whorthbubilness control, also extended to typical contracts through the concrete cause concept, it is possible to extend the worth judgment not only to atypical contracts but also to every contractual model. With consequent uncertainty.*

**Parte II**  
**Giurisprudenza**

Cass. civ., sez. III, 30 agosto 2018, n. 21385 (con nota di RUGGERO VIGO, *Sul conflitto fra l'acquirente di un immobile conferito nel fondo patrimoniale e il creditore munito di ipoteca giudiziale sul medesimo bene*) .....» 195

*Abstract. The case is about a property that the spouses first placed in a family trust (Art. 167 and following articles of the Civil Code) and later sold to a third party. However, before the contract of sale was registered, the bank applied a judicial mortgage to the property, as a security for a credit it had granted to the spouses for purposes unrelated to their family needs. The Court of Cassation ruled that the mortgage was valid and that the bank should prevail over the buyer. A different opinion is expressed in the note.*

App. Napoli, sez. V, 12 gennaio 2018 (con nota di ALDO CORVINO, *La tutela dei creditori del legittimario*) .....» 207

*Abstract. The following paper offers an overview on the potential legal instruments, available to creditors of necessary heir, which can be applied when the latter doesn't receive the reserved share. The author explores the different approaches and concludes that creditors of necessary heir don't have any remedies to contest the will of the deceased..*