

**VERSO UNA RIVOLUZIONE CULTURALE IN MATERIA
DI RESPONSABILITÀ NEGLI SPORT A VIOLENZA NECESSARIA:
IL CASO DELLA DISCIPLINA DEL KARATE**

di *Gabriele Toscano**

ABSTRACT: This paper aims to analyze the legal problems concerning civil liability in the discipline of karate. This ancient martial art has many peculiarities which make it stand apart from its “sister” because its fundamental principles and its technical rules are very different. Moreover, the author tries to build the case to carry away the discipline of karate from the category of sports with necessary violence to move it in the category of sports to eventual violence. The move is grounded in the nature of karate, where contact with the opponent, unlike traditional martial arts, is quite an exception and not the rule. Moreover, the statistics show that, besides being a very common sport, the percentage of accidents is very limited so it might be ascribed in the category of the so-called safe sports.

Keywords: Karate – Civil liability – Necessary violence – Eventual violence.

SOMMARIO: 1. L’origine storica del karate ed il “Dojo Kun”: uno sguardo introduttivo – 2. Arti marziali e sport a violenza necessaria: un binomio indissolubile? – 3. Il futuro della responsabilità civile ed il suo perimetro di applicazione negli sport da combattimento – 4. Considerazioni conclusive: verso una più logica inversione dell’onere probatorio.

* Cultore della materia di Diritto privato nel Dipartimento di Giurisprudenza dell’Università di Siena. E-mail: gabriele.toscano@gmail.com.