

GUIDO ALPA

FORM AND SUBSTANCE IN
ITALIAN PRIVATE LAW
I

THE AGE OF REBUILDING
SKETCHES OF THE NEW ITALIAN PRIVATE LAW

ANTEZZA

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Published and Distributed by
The British Institute of International and Comparative Law
Charles Clore House, 17 Russell Square, London WC1B 5JP

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British Library Cataloguing in Publication Data
A Catalogue record of this book is available from the British Library

ISBN 978-1-905771-10-3

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BIICL

BRITISH INSTITUTE OF
INTERNATIONAL AND
COMPARATIVE LAW
www.biicl.org

ISBN 978-88-99670-13-9

Printed in Italy by Antezza Tipografi
Via Vincenzo Alvino - 75100 Matera - Italy
Viale Val Padana 126 - 00141 Roma - Italy

www.antezza.it

FOREWORD

It is on this occasion, as always, a great privilege and pleasure to be associated in any way with the work and intellectual activity of Professor Guido Alpa FBA. My involvement with his work is one of the, for me, very happy outcomes of my association with the Oxford University Institute of European and Comparative Law, and I am very pleased to contribute this Foreword from that institutional base. It is among other things an opportunity to express my and the Institute's gratitude for the interest which he has taken in, and the unstinting support which he has given to, the work of the Institute.

The endeavour in which we are associated is that of the evolution of a genre of legal studies which is at once comparative and European; comparative in its methodology, and European in the complex sense both of being focused upon the European region as the primary (though not exclusive) location of its comparator national legal systems, and also of being centrally concerned with the evolution of supranational European law. In that very sense, Professor Alpa is one of the undisputed modern masters of European and comparative private law, and in this book he will undoubtedly be seen to have made a very significant contribution to the literature in that evolving genre.

At first sight, this book presents itself as an anthology of writings about and around the subject of Italian private law – one which ranges broadly within that subject and even at times beyond it, especially in the concluding parts of the book. But any sense that there might be a randomness in the choice of the different topics is rapidly dispelled, as the Introduction sets the scene with a study of the historical evolution of the Italian Civil Code which perfectly demonstrates the embeddedness of that Code in the legal and political history not just of Italy itself but of Europe as a whole.

This study, initiated in that way, is for me an example of European and comparative law in its most intensely contextual and stimulating form. The Introduction serves to unify the subsequent chapters into areas of private law as diverse as tort law, consumer law, and commercial and competition law. I could even perfectly understand the role and appropriateness of the chapters about the legal profession, because they remind us how closely the evolution of private law is tied up with the organization and cultural outlook of the profession.

So it is an honour to commend this work, and especially to do so to an English-speaking audience, for Professor Alpa has accomplished the very special feat of demonstrating his erudition while writing in English. All

too few British legal theorists would be able to return the compliment, but at least we can appreciate the magnitude of that achievement among the others which this work represents.

PROFESSOR MARK FRIEDLAND FBA

St John's College Oxford
28 September 2006

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