MARKETS AND COMPARATIVE LAW
Among the rules of the British Academy there is one which, at first glance, displays a slight touch of English eccentricity. For it instructs its Electors, when proposing foreign scholars for Corresponding Fellowships, to satisfy themselves that the suggested foreign colleagues have attained a standard of achievement higher than that expected of British Ordinary Fellows.

Lovers of English institutions will of course accept that the eccentricity content of English rules of legal and social comportment invariably conceal sound logic behind their unusual exterior. That is true of this rule as well. For the proposed foreigner, like all members of the Academy, must not only have attained exceptional scholarly excellence in his work, he must also have rendered services to English culture and academic life; last but not least, he must also be able to compete and ‘defeat’ other eminent colleagues proposed from other Sections of the Academy since the number of Corresponding Fellows elected annually is smaller than the number of the proposing Sections.

From the outset the competition is thus fierce, yet Professor Alpa satisfied all these requirements with ease because of the recognition accorded him by the academic communities of his own country, Europe in general and Latin America as well.

Such broad acceptance of a colleague’s work is not frequently encountered. In the case of Professor Alpa, however, there was something ‘inevitable’ about it given the (huge) volume and breadth of his work. This achievement has been combined with a meticulous use of the available literature as is obvious in the essays reproduced in this volume.

But Alpa is not only a scholar; he also practices law (through legal offices in Rome and Genova) and, as a repeatedly-elected Chairman of the Italian Bar Association, he has used his office, his time and his contacts to build close links with the English Bar.

The value of exchanging ideas, of intellectual ‘give and take’ lies behind the author’s cosmopolitan approach to everything he does. Over the years this has led him to co-organize with the British Institute of International and Comparative Law a series of joint seminars and lectures for the benefit of lawyers of both countries. For all these reasons it seems both right and fitting that the Institute should be the publisher of his latest collection of essays. For in this way it honours a true Anglophile and is itself honoured to count among its many friends worldwide a great Italian.

Anyone given the honour of presenting such an author and his work must do so conscious of the need to avoid at all costs a summary of the contents of the book. For here, more than ever, such a task would lead to
an appraisal that would be crass and do injustice to the author’s learning. One thing, however, must be stressed, namely that the reader is well advised not just to read carefully professor Alpa’s texts but also to reflect on his many subtle observations, often introduced as casual asides during the course of his treatment of his chosen topics.

Ultimately, what may impress most of the readers of this volume is the breadth of the author’s reading. This is obvious in all the essays here reproduced. To be sure, his own deep interest in contract law and commercial law dominates his writings and this book is no exception. Yet all his texts are combined with frequent references to European—in the sense of European Union—law and the way it is moving the individual legal systems of the EU closer together (even if the literature of some countries may try to under-play the significance of this enrichment of sources).

But the author’s interest in EU law does not mark the boundaries of his reading and interests. The solutions of different systems to common problems thus figure prominently in these pages and, indeed, are enriched further by Professor Alpa’s able use and deep knowledge of legal history which, again, figures as either the main object of his attention or, more frequently, is used to illuminate further points dealing with contemporary law.

In short, most lawyers will find in this book something of interest as well as plenty of cause for envy for the culture of a man who is not only an exemplar of Italian learning but also a good and loyal friend of our own law. One can thus not only commend this book to one’s colleagues in this country but also congratulate the British Institute for International and Comparative Law on its initiative to make these essays available to English speakers.

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