

FOREWORD

This book is based on our extensive teaching experience at the Universities of Trento and Florence, where for many years courses in Comparative Legal Systems have been offered to the students pursuing the single-cycle Master's degree in Law in English as an alternative to the course in Italian, as well as attending a Law Bachelor in English.

In 2017 a new course of study was provided at the Faculty of Law of Trento University, a Law Bachelor entirely taught in English. The bachelor was anticipated by two years of assessing students' interests – as well as of monitoring their performances – by means of a number of compulsory law courses offered in English (Comparative Legal Systems, International Law, European Union Law, Legal History). These courses were attended by a predetermined number of selected students, enrolled in the single-cycle Italian Master's degree in Law, but willing to experiment learning law subjects in English. The motivation for teaching law in a language different than Italian was not specifically related to the peculiar environment of Trento University, and in particular to its location at the border of the trilingual area (Italian, German, Ladin) of the Trentino Region, but to the cultural mission of the Law School, which, since its establishment, has always been educating students in comparative and transnational law. Almost ten years ago, however, teaching some of the main law subjects in English was perceived as a serious challenge in Italy, due to the intellectual posture of the legal professions, strictly identified with the use of Italian and of the national legal terminology. Somehow unexpectedly, the use of English as a teaching language not only has attracted more and more Italian students, but has rapidly turned into a teaching methodology. Nowadays this methodology is still in transition, as it is moving away from the teaching style used in classrooms when the development of the “science of law” was a priority of Italian law schools and it is gradually turning into continuing developments and transformations, following current students' agendas. In this context, the use of English as a teaching language is not connected to a specific legal system, but has become a relevant component of programs aimed at training jurists able of intellectually crossing national borders and destined to operate in a global legal environment. Thus, developing high-quality learning materials in the form of specific legal literature proved to be, and still is, a challenge for the teachers involved in this educational adventure.

In a similar vein, in 2016 the University of Florence started offering a course on Comparative Legal Systems to students undertaking the single-cycle Master's degree in Law. This was not the first course offered in English, as International Law and European Social Law had been taught in English for a number of years, but finding a suitable textbook in English posed no particular challenge for these courses. Additionally, the School of Law had been providing a course in English on Comparative Legal Systems to the students pursuing the three-year degree in Legal Services Sciences since 2009, although the majority of participants were exchange students. Also due to the modest number of students, this course relied on the volume published by Mary Ann Glendon, Paolo Carozza, and Colin Picker titled *Comparative Legal Traditions in a Nutshell*, supplemented by excerpts from *An Introduction to the Anglo-American Legal System* by Toni Fine and several handouts. This choice, however, highlighted from the outset the lack of a comprehensive volume that could satisfy the teaching requirements of an Italian comparative legal systems course. The problem has persisted year after year, worsened by an increase in the number of students opting to take the course in English over Italian (in part because of the expansion of the pool of eligible participants to include students in the joint German-Italian law degree program, as well as the growing interest among students in the three-year degree course) and the transition from the second to the first year of the course. The selection of reference materials may have varied, but the dissatisfaction has not.

Meanwhile, on the occasion of conferences or seminars of comparative interest, we had the opportunity to discuss the peculiarities of teaching a comparative legal system course in English and our dissatisfaction with the existing textbooks. This is certainly not to say that there is a lack of introductions to the study of Comparative Legal Systems in English. On the contrary, new and interesting ones have come out in the meantime. However, we have found that none of them cover all the topics typically included in our courses in an approach suitable for first year law students.

This book attempts to fill the perceived gap. It consists of four chapters dealing with an introduction to comparative law, the Common law tradition, the Civil law tradition and the non-Western legal traditions. Each chapter includes an appendix that collects a set of materials that we typically utilise during our classes.

This first edition follows a provisional version published in 2023, which was submitted to our students and tested in class. The present version incorporates many of the feed backs received – as well as of useful suggestions generously given by colleagues and friends – and a new chapter.

Although this textbook is the result of a constant dialogue and exchange of opinions, its different parts refer to the authors as follows: Chapter I, par. 2, 2.1, 2.2, 3 and 5: A. De Luca. Par. 1, 4 and 4.1: E. Ioriatti. Chapter II: E. Ioriatti. Chapter III: A. De Luca. Chapter IV: par. 1, 1.1, 1.2 and 1.3: A. De Luca. Par. 2, 2.1, 2.2, 2.3, 3, 4 and 4.1: E. Ioriatti.

Writing this textbook has been a stimulating experience, and an occasion to think back to the history of our discipline, as well as to the scientific experiences of the leading scholars who contributed to its growth. In this regard, a special memory goes to Rodolfo Sacco, the Founding Father of comparative law in Italy, together with Gino Gorla and Mauro Cappelletti. In Sacco's vision, Comparative Legal Systems has always had a fundamental role in legal education, not only as a first year course introducing students to comparative law, but to the legal phenomenon as a whole. We are honored to continue his mission.

We cannot conclude this brief foreword without acknowledging the contribution made by Alessandro Simoni, who is not only a colleague but also a friend. When Elena – following the advice of her husband, an attorney interested and fascinated by comparative law – decided to write a textbook and look for a colleague with whom to share this adventure, she initially approached Alessandro, who generously extended the invitation to Alessandra. Alessandro's many commitments, including institutional ones, soon diverted his attention from this work, but we would like to thank him for his contribution in structuring the outline of the work and the team of authors.

Finally, we would like to express our gratitude to Vincenzo Varano and Vittoria Barsotti for accepting this volume in the series “Strumenti di diritto comparato”, a textbook series for the teaching of comparative law, and for their support and encouragement throughout the drafting process.

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