

EDITORS' PREFACE

In our Forum on Comparative Legal Education published last fall (Volume 4 No. 1), Professor Richard Stith argued that one of the central debates in legal education in this country is practice versus theory. While American law schools scramble to put clinical and other "practical" programs on line after years of prodding from members of the practicing bar, in Continental Europe the law school experience is one defined by an attempt to unravel jurisprudence and legal theory.

Doubtless many members of the practicing bar also view the institution of the law review as something largely extraneous and principally a vehicle for the argument of academic (used in both of the two most common denotative senses) concerns. Professor Alan Der-showitz, however, argued in a speech at this law school last year that a good trial lawyer must blend practice and theory, using the latter to accomplish the aims of the former. Still, on the surface, the importance to the practitioner of a symposium on Italian law such as we have attempted might be elusive. It is primarily for the purpose of exposing the fallacy in the previous statement that this symposium has been undertaken.

That we now live in an increasingly internationally integrated world is almost too trite to say. American corporations need only look to the location of their subsidiaries, suppliers, or distributors to prove this. Business lawyers need only compare the situs of their clients' disputes and transactions today with ten years ago to know that economic globalization has occurred. The realization of the European Economic Community and the promulgation of the North American Free Trade Agreement are accelerants in this process. Understanding of the forces of globalization and regionalization, and of the legal and political structures of industrialized and developing nations is now by necessity the stuff of a 101 class, not a graduate curriculum.

This symposium is not intended to be a definitive compilation of scholarly research on the Italian legal system, but a more conversational addition to the discourse on international law in a comparative perspective. On a practical level, the articles and essays are available as educational tools for those who already do or may yet do business in Italy. The Response written by David Russell, an American business lawyer, tells us how Italian and European law has influenced his practice. We hope then that this focus will be helpful in itself to many.

But more than that, we hope that readers view the relationship of the entities involved here, Italy and Indiana, as a paradigm for

further discussion. That is, an American lawyer representing a corporation with manufacturing interests in France is not at liberty to ignore the situation in Italy with the free movement of goods in Europe on the immediate horizon. Alternatively, that Russell writes of his experiences from his Indianapolis, Indiana office—and not from New York or San Francisco—serves to quell any notion that places like the American Midwest are exempt from the duty to keep up on world events. So then, we hope that the model we have chosen for this symposium—a thematic compilation of essays and articles on a particular nation's legal and political structure—is repeated in the future both by this law review and by others.

It should be acknowledged that this particular endeavor could not have been undertaken without the patronage of the Italian Academy for Advanced Studies in America at Columbia University through its principals, Maristella Lorch and Andrea Bartoli. It should also be noted that the contribution of Charlie Ross, our developer and liaison, was indispensable to the existence of this symposium. We also thank the Indiana State Bar Association, International Law Section, not only for its participation in the form of David Russell, but also for the generous interim financial support advanced by its Chairman, D. Robert Webster. Thanks also go to Jacqueline Lee for her secretarial support. Last, but by no means least, we note the time and effort expended by Mike Kelly and Camilyn Kuhns who took on the bulk of the editing challenge at the outset, and whose ideas are indelibly imprinted in this work.

Anthony Scott Chinn
Franklin E. Breckenridge, Jr
Indiana University School of Law
Indianapolis, February 1994