

## COLUMBIA UNIVERSITY AND A NEW EUROPEAN LAW CHAIR

As we move toward the end of the century, we become increasingly aware of the importance of enriching the law school's opportunities for study and research in the international and comparative law fields. While we have always taken a geographically broad view of the foreign systems worthy of study and research, and have the most distinguished international and foreign curriculum in the country, we regard European law and legal institutions as of unequalled importance at this stage of the Law School's academic development. The rise of the European Community, of a still larger European economic arena, and of new legal institutions in Central and Eastern Europe are all prominent parts, but only parts, of the whole. Enrichment of our European law program in all its aspects became one of the school's very top priorities. To this purpose, in April 1992, Columbia University School of Law established a permanent Chair in European Law to be held each year by a visiting professor from Europe.

The function of the chair is to bring to Columbia each year an outstanding jurist prepared to teach important aspects of European law and legal tradition, to conduct research, to collaborate in teaching and research with our own regular faculty, and possibly to advise and otherwise work with selected advanced law students. More particularly, the features from which a chairholder's program is drawn include the following:

- 1) Systematic participation of the Professor of European Law in a small number of courses or seminars regularly offered by members of this faculty. This format would allow the active "comparatizing" of what might otherwise be a purely domestic law inquiry, thus greatly enriching that inquiry while at the same time building close teaching links between the chairholder and individual members of this faculty.
- 2) Small group or seminar instruction, or research supervision by the chairholder for carefully selected advanced law students where appropriate.
- 3) Participation by the chairholder in a conference or symposium on a suitable European or comparative law topic to be held at the Law School. We hope to hold such a conference no less often than once every three years. In any case, the subject would be chosen to appeal to the chairholder's special strengths and interests.

4) Delivery by the chairholder of talks, either of an informal variety before the faculty or relevant student groups, or of a more formal variety to which the interested public would be invited.

Although it may not be possible to incorporate every one of these features into the tenure of a single chairholder, this sketch does give an idea of the elements out of which we hope to design the program of each chairholder.

The program reflects a broad and inclusive view of Europe, but at the same time recognizes the special contribution of Italian legal culture both to the civil law tradition and to comparative law generally. The term European was defined expansively to embrace the countries of Western Europe and the European Community enterprise in all its aspects. It also included those countries of Central and Eastern Europe now undergoing profound change likely to bring them still more closely into a European-wide circle of nations. The breadth of Europe is of course among the reasons we believe a rotating chair is so vital.

At the heart of the definition of Europe for present purposes is the continental or civil law tradition which still dominates that continent and provides a lively contrast with the common law tradition represented by the United States, Canada, Great Britain and Ireland, among others. This emphasis also has both a historical dimension (calling upon Roman Law and the reception of Roman Law in Italy in the late Middle Ages and early Renaissance), and a methodological dimension (codification, for example). On the other hand, special prominence was given to Italy in the elaboration of this program because of Italy's historically central role in the development of Western legal culture, its contemporary leading role in the development of European legal institutions, and, of course, its constituting the generous source of support for the chair from the Banca Nazionale del Lavoro.

Accordingly, preference will be given to the appointment of a jurist of Italian nationality, training or activity, when such a person is available and otherwise meets the needs of the program in any given year. Moreover, whatever nationality or national affiliation a chairholder brings, we would expect Italian law, Italian legal institutions and Italian legal materials to figure in the chairholder's activities while at Columbia. We further believe that the orientation of the chairholder's academic activities while at Columbia should emphasize the institutional and cultural dimension of law. The intellectual dividends of the program will be greater if there is a focus on such broader themes as legal structures, legal procedures, and fundamental values rather than on

comparisons in narrowly drawn substantive fields of law. This set of preferences may well lead to greater attention to matters that are considered in the Italian legal tradition to be in the nature of public rather than private law.

Columbia Law School has collaborated closely with the Italian Academy for Advanced Studies in America, located adjacent to it in the Casa Italiana at Columbia University, not only with regard to the European Law Chair but also more generally. It seems appropriate, for reasons well beyond architectural proximity, that the chair carry this association. Identifying the European Law Chair with the Italian Academy makes particular sense for all the same reasons mentioned earlier as giving Italy a prominent place in the overall conception of this program.

One year after its inception, Michael Joachim Bonell of the University of Rome was selected as the first BNL Professor of European Law. Professor Bonell taught a course during the Fall 1993 term on International Commercial Contracts which focused on issues such as State Intervention in International Trade Relations, Dispute Resolution, Jurisdiction and Enforcement of Foreign Decisions, International Commercial Arbitration, International Payments, and International Contracts for the Construction of Industrial Works. In addition, under the auspices of the BNL Chair, Professor Antonio LaPergola gave a series of seminars on the complex legal issues currently facing the European Economic Community, and Giuliano Amato gave an insider's perspective on the constitutional and political changes facing Italy today.

George A. Bermann  
Professor of Law  
Columbia University  
February 1994

# The Republic of Italy





