

The Italian Legal System, by G. L. Certoma, Sydney, Butterworths, 1985, xxvi + 520 pp. \$35.

Dr. Certoma has written a substantial and scholarly work on Italian Law, as part of Butterworths series on the *Legal Systems of the World*. In the preface, he describes it as "the first comprehensive study of the Italian legal system", and this description is accurate. Other writings in English on Italian law have covered only selected aspects of it, such as the civil law or civil procedure or the criminal law. In this book, after a general examination of the Italian legal system, there are extensive discussions of Italian public law (including criminal law), private law, both civil and commercial, and also what the author terms "hybrid categories of law", namely labour law and environmental law.

Not so many years ago, law students at Australian universities were required as part of their undergraduate studies to undergo a course of tuition in Roman law. It was an experience which many of them found distasteful, unenlightening and irrelevant to their interest in acquiring a knowledge and understanding of their own legal system. There has been an unfortunate jettisoning of Roman law from the curricula of most Australian law schools—unfortunate, because Roman law is a great achievement of eminent legal minds, and it has exercised a profound influence on contemporary legal systems. In some law schools, an attempt has been made to provide the opportunity for comparative analysis of the law which Roman law was intended to give through the study of modern civil law systems. A major difficulty in doing this has been the lack of suitable English texts which expounded accurately those systems. In the case of the Italian legal system, that lack has been remedied by the production of Dr. Certoma's book.

For students in the common law world, there are solid reasons for selecting Italian law as a subject for comparative law studies. It is a mature and highly refined civil law system, which reflects developments in legal thought and practice spanning many centuries, whether these originated in Italy itself or in other European countries. It provides in many respects a novel approach to the problems which have arisen in contemporary society. It is of considerable commercial importance, particularly as Italy is a member of the European Communities, which is the world's greatest trading block.

Dr. Certoma has not attempted to write a book which analyses in a comparative way Italian and common law approaches and solutions to particular issues. The book is essentially directed to the exposition in English of Italian law; it is left to the reader or to the lecturer to use the material presented for the comparative study of the law. The objective of presenting a comprehensive study detracts in some respects from the value of the book as an instrument for comparative law, since there is an inevitable lack of detail in the presentation of many matters. For example, any common lawyer interested in the comparative study of the law of torts would find unsatisfactory a treatment spanning less than five pages of the text, with no reference to case law. He would find equally unsatisfactory a discussion of unjust enrichment comprising only half a page. But it is pointless to criticise an author for not doing what he makes no attempt to do. As a general exposition of the Italian legal system, it

is an admirable work. The material is skilfully arranged and clearly presented. The mass of detail covered has forced the author to write without much by way of illustration and explanation, and the compressed style forces close reading, but the writing is never obscure.

Dr. Certoma's deep knowledge and understanding of the Italian legal system is apparent on every page. He is to be congratulated on the production of a book which every person interested in comparative law or desirous of obtaining some acquaintance with one of the world's great legal systems will find invaluable.

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