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The Study of Law in Italy and Proposed Reforms†

The contacts between American lawyers and the "Avvocati" in Italy has shown a marked increase within the past few years. Many United States attorneys must wonder about legal background of the Italian practitioners. What is not known in this country is that a quiet revolution in the preparation for practice before the bar in Italy has been going on for quite some time.

A program concerning a great deal of reform has been approved by the Council of Ministry, the 10th of April 1969, for the entire Italian University that should become law following the approval of the two chambers (Senate and Parliament) foreseen for this year. It is a legislative project in which are politically involved the three parties in the Government, the Christian-Democrats, the Socialists and the Republicans, with opposition from the extreme left and the extreme right.

The current procedure in order to become a lawyer is as follows: One must enter a University which includes a College of Law, called Faculty of Law. There exist about thirty Universities of Law, almost all State-owned, with very few private schools. However, all the private law schools must be approved by the Government. One must have obtained a diploma from the Classic or Scientific Lyceum. To sum up his education, one must obtain five years elementary, three years middle-inferior school and five years Lyceum, in all – thirteen years.

The diploma is obtained through State examination. The enrollment in the University is free and not limited in number. However, the reform talks of a possibility to enroll in the University those with diplomas from other schools, and not limited to the ones coming from the Lyceums. The course in jurisprudence is a rigid one, considering the value of the title achieved at the end of four years (Doctor of Jurisprudence). Following this schooling it is necessary to participate in a national bar in order to become a lawyer, judge, notary or an official in public administration.

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At the end of four years in order to be ready for public profession of lawyer one must stay for a one year term in the office of a firm and pass the National examination where the Court of Appeals is located. One must appear before a Commission of five members, one of whom is a Professor of the University, two magistrates designated by the Court of Appeals and two lawyers designated by the Bar Association. The examination consists of two written papers; one in civil administrative rights; one in procedural, civil and penal rights. In addition there are six oral examinations covering civil rights, penal rights, civil procedure, penal procedure, administrative rights and financial rights.

During the four years of University one must pass twenty-one examinations in the same number of subjects (called disciplines) of which eighteen are required and three elective. The following is a sample of the subjects studied: Roman Rights, History of Roman Rights, Philosophy of Rights, Science of Finance and Financial Rights, Ecclesiastic Rights, Political Economy, International Rights, etc.

Once the twenty-one examinations are over there is a final test in order to obtain a degree (laurea). The first part of this examination is an elaborately written thesis which could run to one hundred pages or more, covering a particular theme of the law. In addition there is an oral discussion before eleven professors of the faculty, covering one to three subjects or arguments chosen by the candidate.

The writer has carried on many discussions with Dr. Alberto Burdese of Padua, Italy, during which he highlighted parts of the proposed reforms concerning the preparation for the legal profession in Italy. He is Professor of Roman Rights in the University of Padua, author of many books on law and now in the process of writing a new book on Roman law. While the writer will not propound on the reasons and history of the reforms, he can say that the Italians are taking a practical approach in order to bring about changes in the preparation for the law.

As a part of the reform projected there will be more emphasis placed on elective subjects and less on required subjects, leaving to each faculty more autonomy in a determination of the courses for examination. It is foreseen that in this manner it would be possible to divide the four years into two biennials: The first biennial with subjects equal for all, in other words, the basic subjects; followed by the second biennial, during which subjects must be chosen by the student according to his desire to become a lawyer or a magistrate or a public official for administrative purposes.

There is also a movement to abolish the thesis now necessary before the degree is conferred, but in its place there would be a requirement that the candidate would teach law, or do extensive research in the law field of his

choice for two years after receiving his degree. What is now said of the University training is that it is too theoretical in its preparation, that it provides little time for practice. While it is very formative it was adaptable to the bourgeois society of the 1800s and the beginning of the 1900s when only an elite group was frequenting the University. However, it is not suitable to the mass of today's students whose numbers come from every stratum of society, and whose need in the legal field is for a more technical-professional preparation than one of pure culture.