

0345

LAW AND ECONOMICS IN ITALY

Roberto Pardolesi

University of Roma (Luiss)

Giuseppe Bellantuono

University of Trento

© Copyright 1999 Roberto Pardolesi and Giuseppe Bellantuono

Abstract

Law and economics in Italy is still an underdeveloped subject. Despite the early contributions of the 1960s and 1970s, most Italian lawyers and economists have displayed a marked indifference towards the economic approach to law. After reviewing some initiatives which promise to foster the spread of law & economics, we show that the hindrances encountered by the economic analysis of law stem from a misconception of both the economic and the comparative method.

JEL classification: K0

Keywords: Law and economics, Italy, Comparative Law, Interdisciplinary Education.

1. Introduction

The origins and subsequent development of law and economics in Italy can be described as a history with some lights and many shadows. In the following sections we shall see that since the 1960s the economic approach to law has attracted increasing attention, but it has not succeeded becoming a prominent part of Italian legal doctrine. The second section briefly reviews the earliest Italian contributions to EAL and summarizes the debate on its transplantation to a civil law country. Sections 3 and 4 discuss the reasons why large sectors of the legal and economic profession have chosen not to follow the path that has proved so fruitful in the United States.

2. Italian Law and Economics Between the Past and the Future

At the same time as Ronald Coase and Guido Calabresi were working on their seminal articles, an Italian scholar, Pietro Trimarchi, published a pathbreaking

book on strict liability (Trimarchi, 1961) entirely based on concepts such as the allocation of risks to the least cost insurer or recourse to strict liability to induce potential wrongdoers to adopt optimal precautions. A later article, also translated into German, applied the tools already employed in the field of tort law to breach of contract cases (Trimarchi, 1970).

These contributions marked the first appearance of EAL in Italy. However, they did not prompt an immediate reaction. It was not until the late 1970s that systematic EAL research and teaching began in Italy. Even at this late stage, moreover, the economic approach to law was largely confined to the margins of the legal profession.

Some years ago the spread of the economic approach to law in Italy was the subject of a detailed analysis by Ugo Mattei and Roberto Pardolesi (1991). The authors remarked that the hindrances encountered by the economic analysis of law stemmed, above all, from a misconception of both the economic and the comparative method.

With regard to the former, Mattei and Pardolesi stressed that Italian economists had devoted their energies mostly to the study of post-Keynesian economics. Yet, it is well known that the law and economics movement sprang from the development and revision of the neoclassical paradigm during the decades following the end of the Second World War. The choice of a different line of research was probably one of the factors that most seriously hampered the dialogue between lawyers and economists.

As far as the comparative method is concerned, Mattei and Pardolesi dismissed the claim that EAL is useless in civil law systems because of its American origin. To be sure, the great dichotomy between civil law and common law is still a distinctive feature of the Western legal tradition. Today, however, few scholars (if any) would be willing to reject the doctrines developed on the other side of the Atlantic because of fundamental differences in the American legal system. The phenomenon of legal transplants, which modern comparative studies have emphasised and explored (see for example, Watson, 1974; Sacco, 1991; Ewald, 1995) is the best evidence that each tradition borrows from the other when confronted with the same problems.

If common and civil lawyers are able to communicate in many fields, explanation is still required as to why, in the late 1990s, the economic analysis of law has still not gained widespread acceptance in Italian legal culture. In the following two sections we shall see that the answer probably differs between lawyers and economists. Both groups of social scientists may have been heavily influenced by EAL, but each chose not to cultivate the interaction between algebra and pandects. The reasons why lawyers and economists have been deaf to the lessons of Coase et al. shed light on the evolution of these two branches in Italy.

3. Why Italian Lawyers do not Listen

Lest we give a distorted portrayal of the Italian situation, we must immediately specify that recent years have witnessed a growing interest in the economic approach to law. As the Italian Bibliography makes clear, the number of authors applying the microeconomics categories to the study of legal problems is now much greater than it was in the recent past. Even more importantly, the subjects dealt with by these writings are highly diversified, ranging from classical antitrust themes to environmental issues to the market for works of art.

Other initiatives have been planned to foster the spread of EAL. Il Mulino, a prominent Italian publisher, is about to issue a journal entirely devoted to law and economics. This undertaking will be backed by a textbook on law and economics, presently being compiled, which should link with the Italian translation/adaptation of the second edition of the famous textbook by Cooter and Ulen. The purpose of the Italian version is to enable Italian students to grasp the main features of the economic approach to law through their application to the Italian legal system. However, the courses in comparative law and private law offered by the Law Faculties of Rome and Trento are already being taught with an eye to the concepts arising from law and economics. As further evidence of interest in this subject we may cite the law and economics meetings held in Siena in 1992 (see the papers collected by Mattei and Puditini 1994) and 1996, attended by more than one hundred Italian lawyers and economists, and the conference organized in Milan in October 1995 with the joint participation of American and Italian lawyer-economists (see the papers by Monateri, 1995; Gambaro, 1996; Pardolesi, 1996).

Although these projects confirm the impression of lively debate, explanation is still required for the indifference displayed by most of the Italian legal doctrine (not to mention the courts). A host of reasons apparently hamper complete acceptance of the economic approach to law. None of them, however, is compelling.

To begin with, lawyer-economists must still contend with the perennial claim that the notion of efficiency is politically biased. The choice of efficiency as the reference point or crucial paradigm of a value judgment is regarded with suspicion by those who believe that the law cannot neglect distributive concerns (see, for example, Zaccaria, 1995). Suffice it to say that the traditional distinction between positive and normative economics is now in crisis and the notion of efficiency is no longer regarded as neutral (see Blaug, 1992; Hovenkamp, 1990). It is worth noting, moreover, that even an influential scholar clearly extraneous to the law and economics movement acknowledges the possibility of a reconciliation between cost-benefit analysis and the principles of egalitarianism (Dworkin, 1986, p. 276ff.). Hence, in economics as well as in law, the usefulness of the concept of efficiency should be judged

according to the problem at hand.

However, rejection of the ideologically oriented approach believed to be prevalent in Chicago-style law and economics hampers thorough understanding of other currents of thought which shape the economic analysis of law. In other words, it is a mistake to identify EAL with Posner and his followers. The success of law and economics is largely due to the variety of research programs on which it is able to draw. The neoclassical paradigm of the Chicago school, for example, is now - at least, from a certain point of view - far less interesting than the comparative institutional analysis conducted by Oliver Williamson and other scholars in the area of new institutional economics (for discussion of the relationship between new institutional economics and law and economics see Williamson, 1993). It is worth mentioning that many Italian economists are now deeply involved in this research program (see, for references, the survey by Rizzello, 1996).

There are those who already suggest the existence of post-Chicago law and economics (see Symposium, 1989; Rubin, 1996). We prefer to speak of numerous competing lines of inquiry which sometimes yield conflicting results. A prominent role is now played by game theory, whose first applications to legal problems date back to the early 1970s. The analysis of strategic interactions among individuals, the main concern of game theory, has progressively undermined traditional beliefs about the role of the market and governmental regulation (see, for example, Ayres, 1990; Hovenkamp, 1995; for an updated list of game theory applications to legal problems see Huang, 1995). In the light of these developments, nothing could today be further from the truth than the monolithic vision of EAL often displayed by Italian scholars.

These remarks take us to another debated aspect of the reception of EAL in Italy. In many quarters the economic approach to law is regarded as simply irrelevant to better understanding of legal problems. Why study economics, the argument goes, if the solutions it provides are more or less coincident with the ones reached by means of the familiar legal methods? Statements of this kind reveal a patent misconception of the purposes that EAL seeks to accomplish. The prestige which surrounds economics - often regarded as the leading social science - may have prompted the belief that the economic approach to law is able to provide a definitive answer to any doubtful matter. By contrast, it is more realistic to recognize that law and economics provides useful tools with which to check the arguments that lawyers employ by shedding light on the economic contest in which a legal dispute arises. Therefore, the main contribution of law and economics is the enhanced understanding of the interests at stake it supplies.

A brief survey of the Italian literature lends support to this view. In nuisance cases, for example, the notion of externality explains why Italian courts grant a sum of money to the injured party even when the wrongdoer is allowed to

pollute (Pardolesi, 1977 and, more recently, Mattei 1995; Gambaro, 1995). In tort law the age-old debate on the content of fault gains a new and stimulating meaning when analysed through the lens of economics (Cafaggi, 1996). Needless to say, the new Italian antitrust law of October 1990 would be impossible to understand without the support of an economic apparatus (see Pardolesi, 1993).

Although its results are hardly original law and economics exerts a powerful influence on the style of legal reasoning. The new rhetoric of EAL is best seen as a device which shows the lawyers which elements of a legal controversy are relevant and which are not (see Ackerman, 1984; McCloskey, 1988). This feature, however, can be regarded as a primary reason for its appeal as well as for its uneasy reception in Italy. Indeed, the economic argument compels lawyers to look at legal disputes from an unprecedented point of view, one almost at odds with the supposedly orthodox attitude. Instead of talking about rights and entitlements, lawyers are forced to assess the consequences of each rule on the allocation of resources. Apart from the complexity of the analysis, it is clear how far it diverges from the traditional reasoning of the Western legal tradition. The clash between the Western legal tradition and the Posnerian version of law and economics has recently been highlighted by Monateri (1995). By contrast, the usefulness of instrumental reasoning in the Italian legal system has been reaffirmed by the constitutional judge Mengoni (1994).

In short, Italian legal culture finds itself caught in a paradox. Law and economics promises valuable insights into legal problems, but at the same time it requires in-depth understanding of its techniques. Lawyers can take advantage of the economic approach to law only if they choose to invest in this field. Unfortunately, though, they lack the data with which to gauge the benefits available until that investment is made. This paradox is largely due to the scant attention paid to economics in lawyers' training. The Italian law faculties normally include only one course of economics on their programs, which is clearly inadequate to tackle the complexity of modern mathematical economics.

Of course, Italian lawyers have occasionally displayed deep understanding of the economic issues underlying legal matters. For their part, many Italian economists have been keenly aware of the interaction between law and economics (for references to the works of nineteenth-century Italian lawyers and economists see Cosentino, 1990). It is clear, however, that this tradition has been unable to lay the basis for more systematic study. It may be that one of the reasons for this lack of communication has been the role played by social scientists in Italian society and culture, but we believe that the present situation can be explained mainly by the shortcomings of academic training.

In short, the lack of a formal training is a problem that cannot be postponed any longer. It is at this point that Italian economists should enter the scene. Unfortunately, they have listened no more than Italian lawyers have done.

4. Why Italian Economists do not Listen

About two decades ago Ronald Coase suggested that the expansion of economics into contiguous fields would come to an end when social scientists in those fields were able to master its techniques. The number of American lawyers who now have a PhD in economics seems to confirm his forecast (Coase, 1978, 1996). Nevertheless, it is clear that law and economics in the United States would have had less impact if economists had not involved themselves in the enterprise. It is hardly an exaggeration to state that the cooperation between lawyers and economists has been a fundamental factor in the development of the economic approach to law (for information on the involvement of economists in law and economics see Ellickson, 1989; Landes and Posner, 1993; Stigler, 1992).

What about Italy? The indifference of economists towards legal institutions is so manifest that it is not worth dwelling upon. Suffice it to say that a recent introduction to a collection of papers by Ronald Coase does not include the slightest reference to his influence on the economic analysis of law or to Italian contributions in that field (Grillo, 1995, pp. 7ff.). Judging from these writings, it seems that economics and law in Italy do not communicate at all.

This situation is even more surprising if we look at the training provided by Italian schools of economics. Their programs include a wide range of law courses, and economics students have ample opportunity to become fully conversant in both disciplines. Why this does not happen is not clear. One might suggest that the jobs market is highly specialized and young graduates with hybrid skills do not find employment easily. Whatever the case may be, on the eve of the twenty-first century the Italian Bibliography of Law and Economics lists only a few contributions by Italian economists.

It is difficult to say whether the present situation will change in the near future. Since the last century, political debate on the reform of administrative agencies and governmental regulation has been the main concern of economic thinkers in Italy (see, for example, the essays on market and democracy collected in Bocciarelli and Ciocca, 1994). In accordance with this tradition, current analysis appears to be dominated by macroeconomics issues (for a recent survey of the Italian situation by a French economist see Bartoli, 1996).

This is not to say, however, that hopeful signs of a renewed interest in legal institutions are entirely lacking. The presence of economists in the law faculties has recently begun to yield fruitful interdisciplinary studies. Some courses in economics, for example, have applied insights from law and economics to Italian laws and institutions (see Chiancone and Porrini, 1996; Galeotti 1995), and there are encouraging signals from the already mentioned Italian economists working in the field of the New Institutional Economics. Even more importantly, modern economics textbooks are now devoting more space to such

subjects as transaction costs, asymmetric information, strategic interactions and institutional constraints (see, for example, Del Bono and Zamagni, 1996).

Since the 1980s, moreover, there has been a growing interest in game theory. The activities of the Interuniversity Centre for Game Theory and Applications, established in 1990 in Florence, range from the development of research programs to the spread of game theory in the scientific community. Unfortunately, Italian economists at work in this field are unaware of the applications of game theory to legal problems. For example, a recent introductory textbook notes that game theory has been applied outside economics in such areas as political science, philosophy, computer science, engineering and evolutionary biology (Costa and Mori, 1994, pp. 10f.). Law, of course, is not even mentioned.

Italian scholars are equipping themselves with the theoretical instruments employed in the economic analysis of the American legal system. In the short period the institutional dimension - be it the theory of the firm or the structure of administrative agencies and public utilities - will probably attract more attention than private law topics like contract, tort and property. Needless to say, even this development would be a giant step towards the interdisciplinary study of law and economics.

Bibliography on Law and Economics in Italy (0345)

- Alpa, Guido (1976), 'Colpa e Responsabilit... Oggettiva nella Prospettiva dell'Analisi Economica del Diritto (Negligence and Strict Liability In An EAL Perspective)', *Politica del Diritto*, 431-448.
- Alpa, Guido (1983), 'Interpretazione Economica del Diritto (Economic Interpretation of Law)', in X (ed.), *Voce del Novissimo Digesto Italiano*, Torino, UTET, 315-324.
- Alpa, Guido (1984), 'Diritto e Analisi Economica (a proposito di un recente libro di R. Bowles) (Law and Economic Analysis, With Regard to a Recent Book by R. Bowles)', *Diritto dell'Impresa*, 111-120.
- Alpa, Guido (1995), *Istituzioni di Diritto Privato* (Institutes of Private Law), Torino, UTET.
- Alpa, Guido (1996), 'Lo Snobismo degli Economisti e il Rifiuto del Dialogo con i Giuristi (a proposito dell'introduzione alla Versione Italiana di 'Impresa, Mercato e Diritto' di R.H. Coase) (The Economists' Snobbery and the Refusal of Dialogue with Lawyers)', *Economia e Diritto del Terziario*, 745-749.
- Alpa, Guido and Giampieri, Alberto (1996), 'Analisi Economica del Diritto e Analisi del Metodo: la Questione del Danno Contrattuale (Economic Analysis of Law and Methodological Analysis: the Problem of Contractual Damages)', *Rivista Trimestrale di Diritto e Procedura Civile*, 717-723.
- Alpa, Guido, Pulitini, Francesco, Rodota, Stefano and Romani, Franco (1982), *Interpretazione Giuridica e Analisi Economica* (Legal Interpretation and Economic Analysis), Milano, Giuffrè, 662 p.
- Antoniolli Deflorian, Luisa (1996), *La Struttura Istituzionale del Nuovo Diritto Comune Europeo*:

- Competizione e Circolazione dei Modelli Giuridici* (The Institutional Structure of the new European Common Law: Competition and Transplants of Legal Models), Trento, Dipartimento di Scienze giuridiche.
- Aprile, Ercole (1989), 'Regolamentazione dei Fenomeni Economici e Analisi Economica degli Strumenti Giuridici: Spunti per una Riflessione (Regulation of Economic Phenomena and Economic Analysis of Legal Instruments: Hints for a Reflection)', *Nuovo Diritto*, 505-521.
- Bellantuono, Giuseppe (1995), 'Polizza Fideiussoria, Reticenza e Obblighi di Informazione (Performance Bond, Non-Disclosure and Duties of Information)', *Il Foro Italiano*, 1905-1909.
- Bessone, Mario (1984), "'Gli standards' dei contratti di impresa e l'analisi economica del diritto (The 'Standards' in Contracts and Economic Analysis)", *Giurisprudenza di merito*, 982-987.
- Cafaggi, Fabrizio (1995), 'La nozione di difetto ed il ruolo dell'informazione. Per l'adozione di un modello dinamico-relazionale di difetto in una prospettiva di riforma (The notion of defect and the role of information. For the adoption of a dynamic-relational model of defect in a perspective of reform)', *Rivista Critica del Diritto Privato*, 447-480.
- Cafaggi, Fabrizio (1995b), 'Pubblicit... commerciale (Commercial Advertising)', *XI Digesto commerciale*, 433-500.
- Cafaggi, Fabrizio (1996), *Profili della Colpa Relazionale* (Outlines of Relational Fault), Padova, CEDAM.
- Cafaggi, Fabrizio, Cuffaro, Vincenzo and Di Via Luciano (1993), 'Attuazione della Direttiva n. 450/84/Cee in Materia di Pubblicit... ingannevole (decreto legislativo 25 gennaio 1992 n. 74) (Implementation of EC Directive no. 450/84 on Misleading Advertising)', *Le Nuove Leggi Civili Commentate*, 671-761.
- Carbone, Paolo (1991), 'Nuovi Illeciti Attribuiti alla Negoziazione di "Valori Mobiliari". Profili della disciplina. Spunti critici (New Torts concerning Securities Exchange. Outlines of the rules. Critical hints)', *V Il Foro Italiano*, 466-490.
- Carbone, Paolo (1993), *Tutela Civile del Mercato e Insider Trading* (Private Law Protection of the Market and Insider Trading), Padova, CEDAM.
- Carriero, Giuseppe (1992), *Informazione, Mercato, Buona Fede: il Cosiddetto Insider Trading* (Information, Market, Good Faith: the so-called Insider Trading), Milano, Giuffrè.
- Carriero, Giuseppe (1997), Norme di Protezione dell'Utente dei Servizi Bancari e Finanziari: Taluni Effetti Economici (Legal Protection of the Consumer of Bank and Financial Services: Some Economic Effects), *Rivista di diritto dell'impresa*, 79 ff.
- Caruso, Daniela (1991), 'Relazioni Precontrattuali e Teoria dei Giochi (Precontractual Relations and Game Theory)', *Quadrimestre*, 810-832.
- Caruso, Daniela (1991b), 'Note in Tema di Danni Precontrattuali (Nota a Cass., 11 maggio 1990, n. 4051, Bellucci c. Min. difesa) (Notes about Precontractual Damages)', *1 Il Foro Italiano*, 188-200.
- Caruso, Daniela (1993), *La Culpa in Contrahendo - L'Esperienza Statunitense e Quella Italiana* (Culpa in Contrahendo - The American and Italian Experience), Milano, Giuffrè.
- Castronovo, Carlo (1981), 'Inattuazione Della Prestazione di Lavoro e Responsabilit... Del Danneggiante (Employee's Non-Performance and Tortfeasor's Liability)', *Massimario di Giurisprudenza del Lavoro*, 370-377.

- Chianale, Angelo (1992), *L'Atto Pubblico: Contributo allo Studio dei Costi Transattivi* (The Document under the Seal of a Public Officer: Contribution to the Study of Transaction Costs), Torino, Giappichelli.
- Chianale, Angelo (1993), *Diritto Soggettivo e Tutela in Forma Specifica. Indagine in Tema di Responsabilità Extracontrattuale* (Subjective Right and Specific Performance. An Inquiry in Tort Law), Milano, Giuffrè.
- Chiancone, Aldo and Porrini, Donatella (1996), *Lezioni di Analisi Economica del Diritto* (Lessons of Economic Analysis of Law), Torino, Giappichelli.
- Chiassoni Pierluigi (1991), 'L'Analisi Economica del Diritto negli Stati Uniti: Formalismo o Realismo?' (Economic Analysis of Law in the United States: Formalism or Realism?), *Quadrimestre*, 473-525.
- Chiassoni, Pierluigi (1992), *Economic Analysis of Law. L'analisi economica del diritto negli Stati Uniti* (The Economic Analysis of Law in the United States), Torino, Giappichelli.
- Clerico, Giuseppe (1992), 'Inadempienza Contrattuale e Determinazione del Risarcimento Monetario (Breach of Contract and Quantification of Monetary Damages)', *Economia Pubblica*, 267-276.
- Clerico, Giuseppe (1994), 'Raccolta e Allocazione di Sangue: Donazione, Mercato e Intervento Pubblico (Gathering and Allocation of Blood: Gift, Market and Public Intervention)', *4 Rassegna Giuridica della Sanità*, 140-152.
- Clerico, Giuseppe (1995), 'Prodotto Difettoso e Responsabilità del Danno: i Dilemmi della Scelta Pubblica (Defective Product and Liability for Damages: the Dilemma of the Public Choice)', *Economia Pubblica*, 25-70.
- Clerico, Giuseppe (1996), 'Produzione e Rischio di Danni: regolamentazione Pubblica versus Regole di Responsabilità (Production and Risk of Damages: Public Regulation vs. Liability Rules)', *Economia e Diritto del Terziario*, 491-518.
- Cosentino, Fabrizio (1988), 'Autonomia Privata e Paternalismo del Legislatore Nella Prospettiva dell'Analisi Economica del Diritto (Individual Autonomy and the Paternalism of the Legislator: An EAL Perspective)', *Rivista Critica del Diritto Privato*, 473-511.
- Cosentino, Fabrizio (1989), 'Responsabilità da Prodotto Difettoso: Appunti di Analisi Economica del Diritto (nota a U.S. Supreme Court California, 31 marzo 1988, Brown c. Abbott Laboratories) (Liability for Defective Products: An Economic Analysis of Law)', *4 Foro Italiano*, 137-143.
- Cosentino, Fabrizio (1990a), 'Analisi Economica del Diritto: Ritorno al Futuro? (Economic Analysis of Law: Back to the Future?)', *5 Foro Italiano*, 153-156.
- Cosentino, Fabrizio (1990b), 'Il Contratto di Servizio delle Casette di Sicurezza: Clausole di Limitazione della Responsabilità della Banca e Dichiarazione di Valore (The Contract for Services Related to Safety Deposit Boxes: Exemption Clauses for the Bank and Statement of Value)', *1 Foro Italiano*, 1292-1298.
- Cosentino, Fabrizio (1990c), 'L'Inadempimento Efficiente Nuovamente al Vaglio della Cassazione (Nota a Cass., 21 marzo 1989, n. 1403, Allione c. Greco) (The Efficient Breach again Under Scrutiny Before the Court of Cassation)', *1 Il Foro Italiano*, 223-227.
- Cosentino, Fabrizio (1992), 'Trasporto di Mercì su Strada e Limitazione della Responsabilità: Osservazioni in Chiave di Analisi Economica del Diritto. (Nota a Corte costit., 22 novembre 1991, n. 420, Soc. Dafne et Cloe c. Autotrasp. bestiame Melano) (Carriage of Goods by Road and Limitation of Liability: Remarks from the Point of View of the Economic Analysis of Law)', *1 Il*

- Foro Italiano*, 647-655.
- Cosentino, Fabrizio (1992b), 'Alla Ricerca della Raccomandata Perduta: Modificate le Regole Sulla 'Posta In Gioco' (Nota a Corte costituzionale 28 febbraio 1992, n. 74, Soc. Sapri Broker assicuraz. c. Min. Poste) (Searching for the Lost Registered Letter: Rules on Mail Amended)', *I Il Foro Italiano*, 1354-1356.
- Cosentino, Fabrizio (1993), 'Il Paternalismo del Legislatore nelle Norme di Limitazione dell'Autonomia dei Privati (The Paternalism of the Legislator in the Rules Limiting Private Autonomy)', *Quadrimestre*, 119-139.
- Cosentino, Fabrizio (1995), 'Il Dilemma dell'Economia Informale: Proibizione o Deregolamentazione? (The Dilemma of Informal Economy: Prohibition or Deregulation?)', *Politica del Diritto*, 635-653.
- Cosentino, Fabrizio (1996a), 'La Responsabilita Civile e Le Ragioni dell'Analisi Economic (Tort Law and the Arguments of Economic Analysis)', in X (ed.), *Danno e Responsabilita Civile*, 403-415.
- Cosentino, Fabrizio (1996b), 'Neil Komesar, il Danno da Immissioni e la Responsabilita Civile: una Storia di Alternative Imperfette? (Neil Komesar, Damage from Nuisance and Tort Law: A Story of Imperfect Alternatives?)', *Politica del Diritto*, 321-329.
- De Lorenzi, Valeria (1993), 'Il Mandato alla Luce dell'Analisi Economica del Diritto (Agency Law in the Light of Economic Analysis of Law)', *Contratto e Impresa*, 965-1013.
- De Lorenzi, Valeria (1997), 'La Rappresentanza Diretta Volontaria. Problemi e Soluzioni alla Luce dell'Analisi Economica del Diritto (Agency Law. Problems and Solutions in the Light of Economic Analysis of Law)', *Contratto e Impresa*, 595-669.
- Denozza, Francesco (1987), 'Il mercato dei 'Limoni', la Teoria degli Ostaggi e la Risoluzione del Contratto di Leasing (The Market for Lemons, Theory of Hostages and Breach of the Leasing)', *Rivista Italiana del Leasing*, 682-691.
- Denozza, Francesco (1990), *Antitrust: Leggi Antimonopolistiche e Tutela dei Consumatori nella CEE e negli USA* (Antitrust: Antitrust Laws and Consumer Protection in the EC and USA), Bologna, il Mulino.
- Denozza, Francesco (1991), 'La Cassazione e la Risoluzione del Leasing (The Court of Cassation and the Breach of Leasing)', *Giurisprudenza Commerciale*, 845-857.
- Enriques, Luca (1996), 'L'Economia delle Società per Azioni di Frank Easterbrook e Daniel Fischel: Diritto societario, efficienza dei mercati e analisi economica', *Rivista Critica del Diritto Privato*, 563-578.
- Fazio, Antonio and Capriglione, Francesco (1983), 'Governo del Credito e Analisi Economica del Diritto (Governing Credit and Economic Analysis of Law)', *I Banca, Borsa, e Titoli di Credito*, 310-346.
- Ferrarese, Maria Rosaria (1992), *Diritto e Mercato: il Caso degli Stati Uniti* (Law and Market: the Case of the United States), Torino, Giappichelli.
- Ferrarini, G. (1977), *La Locazione Finanziaria* (Leasing), Milano, Giuffrè, 261 p.
- Franzosi, Mario (1989), *Monopolio - Oligopolio - Concentrazioni* (Monopoly - Oligopoly - Concentrations), Milano, Giuffrè.
- Frignani, Aldo, Pardolesi, Roberto, Patroni Griffi, Antonio and Ubertazzi, Luigi Carlo (eds) (1993), *Diritto Antitrust Italiano, Commento alla l. 10 ottobre 1990 n. 287, 2 vol.* (Italian Antitrust Law), Bologna, Zanichelli.
- Galeotti, Ginaluigi (1995), *Appunti Introduttivi ad una Analisi Economica delle Istituzioni*, Unpublished Lessons, Rome.

- Gallo, Paolo (1992), 'Errore sul Valore, Giustizia Contrattuale e Trasferimenti Ingiustificati di Ricchezza alla Luce dell'Analisi Economica del Diritto (Mistake on Value, Contractual Justice and Unjust Enrichment)', *Quadrimestre*, 656-703.
- Gallo, Paolo (1993), 'Appunti in Tema di Colpevolezza, Colpa Soggettiva ed Efficienza Economica (in occasione di alcune recenti pubblicazioni) (Notes about Liability, Subjective Fault and Economic Efficiency on the Occasion of Some Recent Publications)', *Quadrimestre*, 712-732.
- Gallo, Paolo (1995), 'Immissioni, usi Incompatibili e Problemi di Allocazione di Risorse Scarse (Nuisance, Incompatible Uses and Problems of Allocation of Scarce Resources)', *1 Rivista di Diritto Civile*, 657-693.
- Gallo, Paolo (1998), *Analisi Economica del Diritto (Economic Analysis of Law)*, Torino, Giappichelli.
- Gambaro, Antonio (1979), *La Legittimazione Passiva alle Azioni Possessorie (Standing to Be Sued in Ownership Litigation)*, Milano, Giuffrè, 163 p.
- Gambaro, Antonio (1995), *Il Diritto di Proprietà (Property Law)*, Milano, Giuffrè.
- Gambaro, Antonio (1996), 'L'Analisi Economica e la Ricerca della Logica Proprietaria (Economic Analysis and the Search for the Rationale of Ownership)', *Rivista Critica del Diritto Privato*, 235-244.
- Grillo, Michele (1995), 'Introduzione to Coase, Impresa Mercato e Diritto (Introduction to Coase, Law and Economics)', *il Mulino, Bologna*, 7-38.
- Grillo, Michele (1996), 'Lo Snobismo degli Economisti e il Rifiuto del Dialogo con i Giuristi. Una Risposta a Guido Alpa (The Economists' Snobbery and the Refusal of Dialogue with Lawyers. A reply to Guido Alpa)', *Economia e Diritto del Terziario*, 751-754.
- Guatri, Luigi (1986), *Crisi e Risanamento delle Imprese (Crisis and Reorganization of the Firms)*, Milano, Giuffrè, 339 p.
- Ichino, Pietro (1998), 'Il Diritto del Lavoro e i Modelli Economici (Labour law and economic models)', *Lavoro e Diritto*, 309-322.
- Macario, Francesco (1996), *Adempimento e Rinegoziazione nei Contratti a Lungo Termine (Performance and Renegotiation in Long-Term Contracts)*, Napoli, Jovene.
- Maccabruni, Franco (1995), 'Insider Trading e Analisi Economica del Diritto (Insider Trading and Economic Analysis of Law)', *1 Giurisprudenza Commerciale*, 598-622.
- Marella, Maria Rosaria (1994), 'Onerosità del Risarcimento in Forma Specifica (Onerousness of Specific Performance)', *1,2 Giurisprudenza Italiana*, 1067-1074.
- Marini, Giovanni (1986), 'Ingiustizia dello Scambio e Lesione Contrattuale (Unfairness of the Exchange and Contractual Lesion)', *Rivista Critica del Diritto Privato*, 257-315.
- Marini, Giovanni (1990), *Promessa ed Affidamento nel Diritto dei Contratti (Promise and Reliance in Contract Law)*, Napoli, Jovene, 317 p.
- Marini, Giovanni (1995), *Promessa e Affidamento nel Diritto dei Contratti (Promise and Reliance in Contract Law)*, Napoli, Jovene.
- Mastorilli, Annachiara (1994), 'Originalità... nelle opere compilative e informazione (Nota a Cass. 10 marzo 1994, n. 2345 e 2 dicembre 1993, n. 11953) (Originality in Compiled Works and Information)', *1 Il Foro Italiano*, 2417-2422.
- Mattei, Ugo (1985), 'I Modelli nella Tutela dell'Ambiente (The Models for the Protection of the Environment)', *2 Rivista di Diritto Civile*, 389-427.
- Mattei, Ugo (1987), 'Diritto e Rimedio nell'Esperienza Italiana ed in quella Statunitense: un Primo Approccio (Law and Remedies Related to Italian and American Experiences: A First Approach)', *Quadrimestre*, 341-359.

- Mattei, Ugo (1987b), *Tutela Inibitoria e Tutela Risarcitoria* (Injunctive Relief and Damages), Milano, Giuffrè, 419 p.
- Mattei, Ugo (1995), *La Proprietà Immobiliare* (Real Property), Torino, Giappichelli.
- Mattei, Ugo (1996), 'Analisi Economica e Comparata delle Clausole Penali nel Diritto dei Contratti (Comparative Law and Economics of Penalty Clauses in Contracts)', *Rivista Critica del Diritto Privato*, 603-627.
- Mattei, Ugo and Pulitini, Francesco (1990), 'Modelli Competitivi, Regole Giuridiche ed Analisi Economica (Competitive Models, Legal Norms and Economic Analysis)', *Quadrimestre*, 77-102.
- Mattei, Ugo and Pulitini, Francesco (eds) (1994), *Consumatore, Ambiente, Concorrenza - Analisi Economica del Diritto* (Consumer, Environment, Competition - Economic Analysis of Law), Milano, Giuffrè.
- Mengaroni, F. (1988), 'Analisi Economica del Diritto (Economic Analysis of Law)', **1** *Enciclopedia giuridica*, 1-9.
- Mengoni, Luigi (1994), 'L'argomentazione Orientata alle Conseguenze (The argumentation Oriented to the Consequences)', *Rivista Trimestrale di Diritto e Procedura Civile*, 1-18.
- Monateri, Pier Giuseppe (1989), *Cumulo di Responsabilità Contrattuale ed extra Contrattuale* (Overlap of Contractual and Extracontractual Liability), Padova, CEDAM, 315 p.
- Monateri, Pier Giuseppe (1995), 'Risultati e Regole. (Un'Analisi Giuridica dell'Analisi Economica del Diritto) (Rules and Outcomes. A Legal Analysis of the Economic Analysis of Law)', *Rivista Critica del Diritto Privato*, 605-619.
- Monateri, Pier Giuseppe (1998), *La responsabilità Civile (Tort Law)*, Torino, Utet.
- Monateri, Pier Giuseppe (1998), 'Responsabilità Civile (Tort Law)', **17** *Digesto Civile*, 1-12.
- Monti, Andrea (1998), 'Learned Hand Formula e Buona Fede nell'Esecuzione del Contratto. Analisi economica e comparata (Learned Hand Formula and Good Faith in Contract. Comparative and Economic Analysis, *Rivista Critica del Diritto Privato*, 125-147 (4400).
- Nogler, Luca (1992), 'Una Ventata di Analisi Economica del Diritto in Tema di Contratto di Lavoro a Termine (Nota a Cass., sez. lav., 21 febbraio 1992, n. 2153, Matteucci c. Cassa risp. Citt... di Castello) (A Wave of Economic Analysis of Law on Forward Employment Contract)', **1** *Giustizia Civile*, 2104-2105.
- Osti, Cristoforo (1995), *Antitrust e Oligopolio: Concorrenza, Cooperazione e Concentrazione* (*Antitrust and Oligopoly: Competition, Cooperation and Merger*), Bologna, Il Mulino.
- Paces, Alessio and Pardolesi, Roberto (1997), 'Clausole Vessatorie in Crisi d'Identità. Appunti di Analisi Economica del Diritto (The Identity Crisis of Unfair Terms. Remarks of Economic Analysis of Law), in Furgiuele (ed.), *Diritto Privato*, II1996, Padova.
- Paganelli, Maurizio (1989), 'Alla Volta di Frankenstein: Biotecnologie e proprieta... (di parti) del corpo (Toward Frankenstein: Biotechnology and Property Rights in Body Parts)', **4** *Foro Italiano*, 417-441.
- Panella, Giorgio (1994), 'Responsabilità Civile ed 'Effetti Esterni': un'Applicazione ai Problemi dell'Inquinamento (Tortious Liability and 'External Effects': an Application to the Problems of Pollution)', *Economia e Diritto del Terziario*, 631-653.
- Pardolesi, Roberto (1977), 'Azione Reale e Azione di Danni nell'Art. 844 C.C. Logica Economica e Logica Giuridica Nella Composizione Del Conflitto Tra Usi Incompatibili Delle Propriet... Vicine (Property Rule and Liability Rule in Article 844 Codice Civile: Economic Arguments, Legal

- Arguments and Litigation for Inconsistent Uses of Neighbours Lands)', **1** *Foro Italiano*, 1144-1154.
- Pardolesi, Roberto (1982), 'Luci ed Ombre nell'analisi economica del diritto (Appunti in Margine Ad Un Libro Recente) (Lights and Shadows in Law and Economics - Notes about a Recent Book)', **2** *Rivista di Diritto Civile*, 718-728.
- Pardolesi, Roberto (1985), 'Invalidità Temporanea del Dipendente, Illecito del Terzo Rivalsa' del Datore di Lavoro (ovvero: l'analisi economica del diritto in cassazione) (Temporary Disability of Employees, Tortuous Conduct by Third Party Employer's Remedies)', **1** *Foro Italiano*, 2286-2291.
- Pardolesi, Roberto (1986), *Una Introduzione all'Analisi Economica del Diritto con Postfazione* (Translation of A. Mitchell Polinsky's 'Introduction'), Bologna, Zanichelli, 149 p.
- Pardolesi, Roberto (1987), 'Analisi Economica del Diritto (Economic Analysis of Law)', **1** *Digesto Civile*, 309-320.
- Pardolesi, Roberto (1988), 'Tutela Specifica e Tutela per Equivalente nella Prospettiva dell'Analisi Economica del Diritto (Specific Performance and Damages: An EAL Perspective)', *Quadrimestre*, 76-97.
- Pardolesi, Roberto (1989), 'Un Moderno Minotauro: Law and Economics (A Modern Minotaur: Law and Economics)', *Economia, Società e Istituzioni*, 519-534.
- Pardolesi, Roberto (1991), 'Energia (Energy)', **VII** *Digesto Civile*, 444-448.
- Pardolesi, Roberto (1992), 'Postfazione a Polinsky, Mitchell A., Una Introduzione all'Analisi Economica del Diritto, (Afterword to Polinsky, Mitchell A., An Introduction to Economic Analysis of Law)', *Il Foro Italiano*, 179-199.
- Pardolesi, Roberto (1993), 'Analisi Economica della Legislazione Antitrust Italiana (Economic Analysis of Italian Antitrust Law)', **V** *Il Foro Italiano*, 1-18.
- Pardolesi, Roberto (1994), 'Parallelismo e Collusione Oligopolistica: il Lato Oscuro dell' Antitrust (Parallelism and Oligopolistic Collusion: the Dark Side of Antitrust)', **IV** *Il Foro Italiano*, 65-76.
- Pardolesi, Roberto (1996), 'Regole di Default e Razionalità Limitata: per un (diverso) Approccio di Analisi Economica al Diritto dei Contratti (Default Rules and Bounded Rationality: for a Different Economic Approach to Contract Law)', *Rivista Critica del Diritto Privato*, 451-466.
- Pardolesi, Roberto and Motti, Cinzia (1990), 'L' Idea è Mia!': Lusinghe e Misfatti dell'Economics of Information ('The Idea is Mine!': Enticements and Misdeeds of the Economics of Information)', *Diritto dell'Informazione e dell'Informatica*, 345-359.
- Pardolesi, Roberto and Osti, Cristoforo (1996), 'Avvisi di Burrasca: Antitrust e Diritti Tv su Manifestazioni Sportive (Storm Warnings: Antitrust and Television Rights on Sport Events)', *Rivista di Diritto Sportivo*, 1-31.
- Parisi, Francesco, and (1990), 'Sviluppi nell'Elemento Soggettivo del Tort of Negligence', **36** *Rivista di diritto civile*, 545-599.
- Parisi, Francesco (1991), 'Interpretazione Giuridica ed Analisi Economica - Il Teorema di Coase Trenta Anni Dopo (Legal Interpretation and Economic Analysis - The Coase Theorem Thirty Years Later)', *Rivista Critica del Diritto Privato*, 643-676.
- Parisi, Francesco (1993), 'Learned Hand Formula of Negligence', **X** *Digesto Civile*, 4th ed., 436-443; reprinted in *Materiali di Economia e Diritto*, 1997, Università di Roma La Sapienza, 285-292.
- Parisi, Francesco (1998), 'The Market for Votes: Coasian Bargaining in an Arrowian Setting', **6**

- George Mason Law Review*, 745-766.
- Parisi, Francesco (1998), 'La Genesi della Responsabilità nel Diritto Antico', in Parisi, Francesco and Giacobbe, Giovanni (ed.), *Analisi Economica e Libertà Contrattuali*, Guiffrè.
- Parisi, Francesco (1998), 'Teorema di Coase', **16** *Digesto Italiano* (Diritto Civile).
- Parisi, Francesco (1998), 'Teorema di Arrow', **16** *Digesto Italiano* (Diritto Civile).
- Parisi, Francesco and Frezza, Giampaolo (1998), 'Rischio e Causalità nel Concorso di Colpa', **44** *Rivista di diritto civile*.
- Parisi, Francesco and Frezza, Giampaolo (1998), 'La Responsabilità Stocastica', **63** *Responsabilità Civile e Previdenza*, 824-847.
- Parisi, Francesco and Frezza, Giampaolo (1998), 'Crisi e Proposte di Riforma nel Sistema dei Torts', **63** *Responsabilità Civile e Previdenza*, 555-563.
- Parisi, Francesco and Frezza, Giampaolo (1998), 'Il Concorso di Colpa: Analisi Economico-Comparata', *Rivista di diritto civile*.
- Parisi, Francesco and Posner Richard A. (1998), 'Scuole e Tendenze nella Analisi Economica del Diritto', *Biblioteca della Libertà*.
- Parisi, Francesco (1999), 'Autonomia e Ordinamento Privato nella Legislazione Contrattuale', in Parisi, Francesco and Giacobbe, Giovanni (ed.), *Analisi Economica e Libertà Contrattuali*, Guiffrè.
- Parisi, Francesco (1999), 'Family Law and Successions', in U. Mattei (ed.), *Introduction to Italian Law*, Boston, Kluwer Law International, forthcoming.
- Parisi, Francesco and Giacobbe, Giovanni (1999), *Analisi Economica e Libertà Contrattuali*, Guiffrè.
- Parisi, Francesco and Posner Richard A. (1999), 'Analisi Economica del Diritto Pubblico e Penale: Una Bibliografia Annotata', in X (ed.), *Biblioteca della Libertà*.
- Parisi, Francesco and Posner Richard A. (1999), 'Analisi Economica del Diritto Privato e Commerciale: Una Bibliografia Annotata', in X (ed.), *Biblioteca della Libertà*.
- Parisi, Francesco and Frezza, Giampaolo (1999), 'Cesare Beccaria (1738-1794)', in Backhaus J.G. (ed.), *Elgar Companion to Law and Economics*, Ashgate, Edward Elgar.
- Parisi, Francesco and Frezza, Giampaolo (1999), 'Achille Loria (1847-1943)', in Backhaus, J.G. (ed.), *Elgar Companion to Law and Economics*, Ashgate, Edward Elgar.
- Parisi, Francesco and Frezza, Giampaolo (1999), 'Augusto Graziani (1865-1938)', in Backhaus, J.G. (ed.), *Elgar Companion to Law and Economics*, Ashgate, Edward Elgar.
- Pasquini, Nello (1983), 'Interpretazione Giuridica e Analisi Economica - in Margine ad un 'Reading' Recente (Legal Interpretation and Economic Analysis with Recent 'Reading')', *Rivista Trimestrale di Diritto e Procedura Civile*, 288-300.
- Podda, Oscar (1990), 'Bad Deals: Acquisto di Partecipazioni Societarie e Garanzie del Venditore (Bad Deals: Sale of Shares and Seller's Warranties)', *Quadrimestre*, 548-564.
- Pontiroli, Luca (1995), 'Il Declino dell'Autonomia Privata nei Contratti Bancari: Spunti per Riflessione Critica (The Fall of Private Autonomy in Bank Contracts: Hints for a Critical Reflection)', *Contratto e Impresa*, 804 ff.
- Pontiroli, Luciano (1997), 'La posizione del 'contraente debole' nei *Principles of International Commercial Contracts* di Unidroit: much ado about nothing? (The Position of the 'Weak Party') in the Unidroit *Principles of International Commercial Contracts*: Much Ado About Nothing?', **I** *Giurisprudenza Commerciale*, 566-606.
- Ponzanelli, Giulio (1991), 'Limitazione di Responsabilità, Analisi Economica e Giudizio di Costituzionali... (Nota a Corte cost. 22 novembre 1991, n. 420, Soc. Dafne et Cloe c. Autotrasp.

- bestiame Melano) (Limitation of Liability, Economic Analysis and Constitutional Judgement)', *Il Foro Italiano*, 643-647.
- Ponzanelli, Giulio (1992), *La Responsabilità Civile. Profili di Diritto Comparato* (Tort Law. Outlines of Comparative Law), Bologna, Il Mulino.
- Pozzo, Barbara (1996), *Danno Ambientale ed Imputazione della responsabilità. Esperienze giuridiche a confronto* (Environmental Damage and Charge of Liability. Legal Experiences Compared), Milano, Giuffrè.
- Pradi, Andrea (1997), 'Proprietà Privata e Pubblica Utilità: il Modello dei Costi Transattivi (Private Property and Public Utility: the Model of Transaction Costs)', *Rivista Critica del Diritto Privato*, 421-441.
- Preite, Disiano (1986), 'In Tema di Sollecitazione del Pubblico Risparmio (Enhancing Public Savings)', *Giurisprudenza Commerciale*, 217-245.
- Preite, Disiano (1987), 'Sovraprezzo, aste Competitive e Mercato mobiliare' (Overpricing, Competitive Auctions and Security Market)', *Giurisprudenza Commerciale*, 882-924.
- Preite, Disiano (1988), *La Destinazione dei Risultati nei Contratti Associativi* (The Destination of the Results in Partnership Contracts), Milano, Giuffrè, 456 p.
- Preite, Disiano (1992), *L'Abuso della Regola di Maggioranza nelle Deliberazioni Assembleari delle Società per azioni* (The Abuse of the Rule of Majority in the Decisions of Shareholders' Meetings), Milano, Giuffrè.
- Preite, Disiano (1993), *Abuso di Maggioranza e Conflitto di Interessi del Socio nella Società per Azioni* (Abuse of the Majority and Conflict of Interests of the Shareholder in the Corporation), in Colombo e Portale (eds), *Trattato delle Società per Azioni*, 3, 2, Torino, Utet, 3-182.
- Pulitini, Francesco (1967), 'Regole Giuridiche E Teoria Economica (Law and Economic Theory)', *Politica del Diritto*, 297-310.
- Raiteri, Monica (1988), 'Giustizia Distributiva e Funzione Giudiziaria: Qualche Osservazione nella Prospettiva della Analisi Economica del Diritto (Distributive Justice and the Judicial Function, Some Observations in an Economic and Law Perspective)', *Materiali per una Storia della Cultura Giuridica*, 209-228.
- Raiteri, Monica (1992), 'La Funzione Giurisdizionale tra Redistribuzione Economica e Tutela dei Diritti (The Jurisdictional Office Between Economic Redistribution and Protection of Rights)', *Materiali per una Storia della Cultura Giuridica*, 475-518.
- Renda, Andrea (1997), 'Prime Contrattuali: una Occasione Manegata? (Preliminary Annotations on the Directive about Contractual Warranties: A Lost Chance?)', *Diritto del Impresa*, 55-614.
- Resta, Giorgio (1996), 'Scarsità delle Risorse e Funzione Allocativa del Diritto: il Caso dei Trapianti d'Organo (Scarcity of Resources and Allocative Function of the Law: the Case of Organ Transplants)', *Rivista Critica del Diritto Privato*, 111-159.
- Rodano, Giorgio (1989), 'Il giudice e l'efficienza del Mercato. Riflessioni di un Economista su un Libro di Diritto Comparato (The Judge and the Efficiency of the Market. An Economist's Reflections on a Comparative Law Book)', *Rivista Critica del Diritto Privato*, 293-312.
- Romani, Franco (1985), 'Appunti sull'Analisi Economica dei Contratti (Notes about the Economic Analysis of Contract Law)', *Quadrimestre*, 15-29.
- Romani, Franco (1990), 'Diritto ed economia: la Prospettiva di un Economista (Law and Economics: the Perspective of an Economist)', *Sociologia del Diritto*, 245 ff.
- Rossello, Carlo (1990), *Il Danno Evitabile. La Misura della Responsabilità ... tra Diligenza ed*

- Efficienza* (Avoidable Damage: The Measure of Liability Between Due Care and Efficiency), Padova, CEDAM, 320 p.
- Russo, Enzo (1992), 'L'Impatto Amministrativo della Riforma del Contenzioso: Spunti di Analisi Economica del Diritto (The Administrative Impact of the Reform of the Contentious Procedure: Hints of Economic Analysis of Law)', *Il Fisco*, 10471-10479.
- Santagata, Walter (1995), 'Istituzioni per il Mercato dell'Arte: Artisti e Mercanti tra Regole, Convenzioni e Allocations dei Diritti (Institutions for the Market of Works of Art: Artists and Merchants among Rules, Conventions and Allocation of Rights)', *Economia Pubblica*, 87-115.
- Santini, Gerardo (1979), *Il Commercio* (Trading), Bologna, Il Mulino, 364 p.
- Santini, Gerardo (1987), *I Servizi. Saggio di Economia del Diritto* (The Services. An Example of an Economic Approach to Law), Bologna, Il Mulino, 562 p.
- Savona, Ernesto (1990), 'Un Settore Trascurato: l'Analisi Economica della Criminalità ..., del Diritto Penale e del Sistema di Giustizia Penale (A Neglected Sector: Economic Analysis of Crime, Criminal Law and the System of Criminal Justice)', *Sociologia del Diritto*, 255-277.
- Tarzia, Giuseppe (1983), 'Credito Bancario e Risanamento dell'Impresa nella Procedura di Amministrazione Straordinaria (Credit and the Reorganization of the Firm)', *Giurisprudenza Commerciale*, 340-352.
- Toffoletto, Alberto (1996), *Il Risarcimento del Danno nel Sistema delle Sanzioni per La violazione della Normativa Antitrust* (The Compensation for Damages in the Liability System for the Infringement of Antitrust Law), Milano, Giuffrè.
- Tricoli, Clara (1981), 'Per una Teoria Economica dell'Espropriazione e dell'Indennizzo (An Economic Theory of Takings and Compensation)', *Rivista di Diritto Commerciale*, 335-357.
- Trimarchi, Pietro (1961), *Rischio e responsabilità oggettiva* (Risk and Strict Liability), Milano, Giuffrè, 383 p.
- Trimarchi, Pietro (1970), 'Sul Significato Economico dei Criteri di Responsabilità ... Contrattuale (Economic Meaning of Contract-Liability Criteria)', *Rivista Trimestrale di Diritto e Procedura Civile*, 512-531.
- Trimarchi, Pietro (1987), 'L'Analisi Economica del Diritto: Tendenze e Prospettive (Economic Analysis of Law: Tendencies and Perspectives)', *Quadrimestre*, 563-582.
- Trimarchi, Pietro (ed.) (1994), *Per una Riforma della Responsabilità.. Civile per Danno all'Ambiente* (The Reform of Tort Law for Environmental Damage), Milano, Giuffrè.
- Troiano, Onofrio (1996), *I Servizi Elettronici di Pagamento. Addebiti in Conto non Autorizzati: un'Analisi Comparata* (Electronic Payment Systems: A Comparative Analysis), Milano, Giuffrè (5850).
- Ventura, Andrea (1990), 'Il Ruolo del Teorema di Coase nell'Analisi Economica del Diritto di G. Calabresi (The Role of the Coase Theorem in G. Calabresi's Economic Analysis of Law)', *Economia Pubblica*, 27-34.
- Villa, Gianroberto (1988), 'Errore Riconosciuto, Annullamento del Contratto ed Incentivi alla Ricerca di Informazioni (Known Mistake, Contract Avoidance and Incentives towards Information Acquisition)', *Quadrimestre*, 286-300.
- Villa, Gianroberto (1992), 'Contratto Illecito ed Irripetibilità della Prestazione - Una Analisi Economica (Unlawful Contract and Non Repayable Performance - An Economic Analysis)', *Quadrimestre*, 19-64.
- Zaccaria, Giuseppe (1995), 'Una Teoria del Pragmatismo Prescrittivo. Sulla Jurisprudenza di Richard

A. Posner (A Theory of Prescriptive Pragmatism. On the Jurisprudence of Richard A. Posner)', in Furgiele (ed.), *Diritto Privato 1995, I, Il Trasferimento di Proprietà*, Padova, 451-475.

Other References

- Ackerman, Bruce (1984), *Reconstructing American Law*, Harvard University Press, Cambridge, Mass.
- Ayres, Ian (1990), 'Playing Games with the Law', **42** *Stanford Law Review*, 1291-1317.
- Bartoli (1996), 'Chronique de la Pensée Économique en Italie (Chronicle of Economic Thinking in Italy)', **47** *Revue Économique*, 1013 ff.
- Blaug, Mark (1992), *The Methodology of Economics, or, How Economics Explain*, Second Edition, Cambridge, Cambridge University Press.
- Bocciarelli, Rossella and Ciocca, Pierluigi (1994), *Scrittori Italiani di Economia* (Italian Writing in Economics), Laterza, Roma-Bari.
- Coase, Ronald H. (1978), 'Economics and Contiguous Disciplines', **7** *Journal of Legal Studies*, 201 ff.
- Coase, Ronald H. (1996), 'Law and Economics and A.W. Brian Simpson', **25** *Journal of Legal Studies*, 103-119.
- Costa, Giacomo and Mori, Pier Angelo (1994), *Introduzione alla Teoria dei Giochi* (Introduction to the Theory of Games), Bologna, Il Mulino.
- Delbono, Flavio and Zamagni, Stefano (1996), *Lezione di Microeconomia* (Lessons in Microeconomics), Bologna, Il Mulino.
- Dworkin, Ronald (1986), *Law's Empire*, Cambridge (MA), Harvard University Press.
- Ellickson, Robert (1989), 'Bringing Culture and Human Frailty to Rational Actors: A Critique of Classical Law and Economics', **65** *Chicago-Kent Law Review*, 23-55.
- Ewald (1995), 'Comparative Jurisprudence: The Logic of Legal Transplants', **43** *American Journal of Comparative Law*, 489 ff.
- Hovenkamp, Herbert (1990), 'Positivism in Law and Economics', **78** *California Law Review*, 815.
- Hovenkamp, Herbert (1995), 'Law and Economics in the United States: A Brief Historical Survey', **19** *Cambridge Journal of Economics*, 331-352.
- Huang, Peter H. (1995), 'Strategic Behavior and the Law: A Guide for Legal Scholars to Game Theory and the Law and Other Game Theory Texts', **36** *Jurimetrics Journal*, 99-114.
- Landes, William and Posner, Richard (1993), 'The Influence of Economics on Law: A Quantitative Study', **36** *Journal of Law and Economics*, 385 ff.
- Mattei, Ugo and Pardolesi, Roberto (1991), 'Law and Economics in Civil Law Countries: A Comparative Approach', **11** *International Review of Law and Economics*, 265-275.
- McCloskey, Donald (1988), 'The Rhetoric of Law and Economics', **86** *Michigan Law Review*, 752 ff.
- Rizzello, Salvatore (1996), 'Mente Organizzazioni Istituzioni. I Fondamenti Microeconomici del Neoinstituzionalismo', *Economia Politica*, 225-263.
- Rubin, Edward L. (1996), 'The New Legal Process, the Synthesis of Discourse, and the Microanalysis of Institutions', **109** *Harvard Law Review*, 1393-1438.
- Sacco, Rodolfo (1991), 'Legal Formants, A Dynamic Approach to Comparative Law', **39** *American*

-
- Journal of Comparative Law*, 1-349.
- Stigler, George (1992), 'Law or Economics?', **35** *Journal of Law and Economics*, 455-468.
- Symposium (1989), 'Post-Chicago Law and Economics', **65** *Chicago-Kent Law Review*, 3 ff.
- Watson, Alan (1974), *Legal Transplants: An Approach to Comparative Law*, Cambridge (MA), Harvard University Press.
- Williamson, Oliver (1993), 'Transactions Cost Economics Meets Posnerian Law and Economics', **149** *Journal of Institutional and Theoretical Economics*, 99-118.