Editorial

This issue marks the beginning of the Italian Review of International and Comparative Law (IRIC), which aims to become an authoritative forum for debate on a wide range of topics in public and private international law, comparative law, and European law. The underlying idea is that the areas of international law and comparative law are increasingly intertwined and thus most suitable to be studied together, with the latter being not only a discipline per se but also a method to investigate the former. In fact, the very name of the Italian Review deliberately hints at the adoption of a comparative law approach in the study and practice of international law, and this is justified by three main reasons. Firstly, international law is often understood and applied through the prism of municipal legal categories or of specific national approaches. But in order to avoid running the risk of turning a supposedly cosmopolitan discipline into a rather parochial one, cultural and language barriers favouring the diffusion of only a few dominant national approaches should be removed as far as possible. Secondly, the promotion of a comparative approach refers not only to the application of international law in different domestic systems but also to the necessity of analysing the ways in which international law itself is applied by courts and tribunals pertaining to different areas – such as, for example, international criminal law and international investment law. This is essential in order to understand international law as a unitary field of the law and avoid its so-called “fragmentation”. Thirdly, phenomena such as the increasing importance of international and supranational organisations in the field of fundamental rights protection have favoured a circulation of patterns, doctrines, techniques and standards that confirm the need for a comparative approach, which is increasingly used in many areas of international law.

It is a strong belief of the Editors of this Review that the Italian doctrinal approaches to international and comparative law are not as influential in the global scene as their richness and excellence would deserve. The Italian
The Italian Review aims to fill this gap. Indeed, Italian scholars of international law and comparative law have traditionally produced very original scientific works, based on a rigorous and widely recognised methodology. However, the relatively low circulation of the Italian language and the difficult accessibility of Italian international and comparative law journals through electronic means have severely limited the circulation of the products of Italian legal doctrine outside national borders, and at the same time have also generally discouraged foreign academics from publishing their works in Italian legal journals. In this respect, the Italian Review, which is open to contribution of scholars from all over the world, will help spreading the vibrant debate on international and comparative law which traditionally takes place in the Italian language. Furthermore, the Italian Review will publish contributions of general interest written by foreign authors who currently do not have the opportunity of working with Italian journals.

Based on these assumptions, the Italian Review will be characterised by a combination of theoretical and practical approaches to the issues of international and comparative law and will provide the readers with timely updates on the latest developments in these continuously evolving areas of law. The IRIC will welcome the submission of innovative and original articles – in the form either of longer essays or of shorter comments – that follow the approach described above, and will also be open to considering legal works inspired by other disciplines such as legal theory, economics, philosophy, sociology, history and political science.

Apart from essays and comments, all issues of the IRIC will be structured in three additional sections: case notes, recent developments and book reviews. In the “case notes” section, extracts from significant Italian decisions will be translated into English and briefly commented to explain their relevance for the overall development of international and/or comparative law. The “recent developments” section will provide foreign readers with up-to-date information and comment on significant events, related to Italy, that may affect the development of international and comparative law at large. Finally, in the “book reviews” section, books written or edited by Italian scholars (although not necessarily in Italian) will be introduced, reviewed and commented.

This opening issue largely reflects the general format of the Review. The essays and comments are divided into two parts. The first hosts two extensive contributions exploring the influence abroad of the Italian theory of comparative law and the Italian case law on international legal matters (notably on the relationship between state immunity and serious violation of human rights). This twofold perspective (doctrinal and judicial) is not fortuitous: it serves to introduce the reader to the Italian scholarship and case law in the areas of...
interest of the Review and place the latter in its right latitude. The second part of this issue is instead devoted to the analysis of a more specific topic, i.e. the contribution of investor-state arbitration to the development of international law. While this focus section, which collects some of the papers presented on the occasion of the 2019 Naples conference organised by the Italian branch of the International Law Association (ILA), deals with topics of general interest such as multilateralism and soft law, it does not fail to pinpoint the relevance of the Italian practice in this field by featuring a piece on the 2020 Italian Model BIT.

As a last consideration before leaving the readers on their own with the Review’s content, let us express our gratitude to Brill, in particular in the person of Lindy Melman, who believed in this project from the very beginning, to our partner Institutions, ILA (Italian Branch) and CNR-IRISS, and of course to all the scholars who actively contributed to the various stages which made the realisation of the Italian Review feasible.

*The Editors*