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IN ITALIA

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ED ESPERIENZE

a cura di
Ginevra Peruginelli e Mario Ragona

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Foreword

Our intention, when we embarked upon the task of editing this work, in early 2011, was to present the historical path of legal informatics as the result of our deep and growing love for the subject.

We thought it was necessary to attempt our research for two main reasons.

First, a part from some contributions that have traced the early times of this discipline in our country\(^1\), a volume of this kind is missing in Italy. Secondly, little more than fifty years passed since July 1962 when a research experiment using automatic computer of legal documentation (access to case-law on tax break in construction industry)\(^2\) was presented in Milan. A notary, Angelo Gallizia, an engineer, Enrico Maretti and a solicitor, Flora Mollame, developed the first work on legal informatics in Italy within the “Centro per la Documentazione Automatica” in Milan. These fifty years are a period of time not particularly long as compared to the thousand-year old period of some sectors of the law discipline, but at the same time these 50 years have been particularly full of events, experiences, investigations of high value and consistency, which is also the result of the accelerating rate of change in information technology.

We knew immediately that our task was not easy because describing the past cannot always accurate depict the many successes but also some missed promises and unsuccessful or even wrong directions.


However, we went ahead with enthusiasm also supported by the consensus shown by the authors who agreed to contribute to the volume. We are pleased to have been able to collect contributions from many of those who have made the history of legal informatics and who represent the main institutions involved in this field. We are also aware that some authoritative voices are missing, owing to excellent personalities who passed away.

In the sixties, there were only a few people or organizations interested in what only a few called “legal informatics”: 1) the “Centro per la Documentazione Automatica”; 2) the judges of the Supreme Court of Cassation, who in 1964 started a research project of automation of the maxims of Jurisprudence (first nucleus of the future system Italgiure); 3) the research activity of Vittorio Frosini, dated December 18, 1965, the day of his inaugural lecture on “Humanism and technology in the jurisprudence” at the Department of Philosophy of Law at the University of Catania; 4) the “IDG - Istituto per la Documentazione Giuridica” of the National Research Council of Italy (CNR) based in Florence, founded in 1968, with its Automated Documentation Section; 5) the research activity of Mario G. Losano and his “Centro di Giuscibernetica”, established in 1969 at the University of Turin. Starting from those “pioneering times”, studies, research activities, implementations increased progressively and other institutions, mainly of a public type, came up beside the early ones, in particular the two branches of the Parliament and later the Government Printing Office and State Mint.

All these experiences are documented here in a new light, both historical and in view of indicating prospects of future developments, to give evidence to a new phase of legal informatics. In fact, in this volume the intention is to witness the ongoing research and practical applications that during the last fifty years have been developed in Italy, but also to introduce to the study of a discipline that today attracts a constant interest.

The structure of the volume traces the history of the discipline in Italy. At first the different sectors of legal informatics from its origin until today are defined and identified. The first part, entitled “The discipline” shows how teaching of legal informatics has been established in Italian universities, and different types of courses have been developed. Behind the articulated

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3 The inaugural lecture has been published in “Rivista internazionale di filosofia del diritto”, 1966, n. 2, pp. 451-468, and reprinted in V. FROSINI, Teoremi e problemi di scienza giuridica, Milano, Giuffrè, 1971, pp. 65-84.

4 Since 2002, the IDG took the name of ITTIG - Istituto di Teoria e Tecniche dell’Informazione Giuridica/Institute of Legal Information Theory and Techniques.
structure of academic courses, the close link emerges between the development of the research and of the study of legal informatics and teaching experiences in the most prestigious Italian universities.

The second part, entitled “The actors” is the core of the work, where the actors who have led the foundations of legal informatics in Italy are highlighted. Here the projects, initiatives, concrete achievements that have taken place over time are illustrated and analysed, following the chronological order in which the individual institutions have operated. The result is a picture that, far from being exhaustive, provides an overview of the study and theoretical research of the discipline, together with the practical implementation of information systems. Important players are also the prestigious publishing initiatives that have played a major role in these fifty years.

The third part intends to open an international perspective to the reader through, on one side, a brief history of information retrieval in the legal field (the area that at first received more attention and success) as described by Jon Bing, one of the pioneers of legal informatics at international level, on the other hand through interviews with some of the main international leading figures of the discipline, called to illustrate the evolution of legal informatics and its future. The answers of scholars and experts from the five continents show that Italy represents an important point of reference in the field of legal informatics for the other nations and this definitely does credit to our country. It can be said, without hesitation, that the database system Italgitre created by the Court of Cassation has represented since the seventies until now a point of excellence envied by many.

The fourth part of the volume is dedicated to a debate among ITTIG researchers on the current situation and future prospects of the discipline. Future directions are outlined, while pointing out how successful projects mainly depend on two factors: the strong potential of collaboration in today’s web environment and the capacity of legal culture to understand and meet the challenges of the digital age.

Two appendices conclude the volume, outlining the stages and major works that have led to the success of legal informatics in Italy.

It is clear to see that in the volume the role of ITTIG is central because we consider this work an opportunity to celebrate an institution that has played a leading role in its 50 years of life that will be celebrated shortly. In this context it is of particular satisfaction the fact that the volume has been included in the ITTIG publication series, whose directorate has appreciated the project since the very beginning of its life.
We are glad that the publisher has accepted our proposal of a dual publication. Besides the traditional publishing, the volume will be also published in open access. This is in line with the desire of providing maximum availability of the volume which could become a reference point for both those who approach this discipline for the first time and for scholars. This confirms our firm belief and strong support of the philosophy of open access.

Finally we want to express many thanks to Graham Greenleaf, who in an international event (the annual conference “Law via the Internet”) suggested the idea to pay tribute to the central role of Italy in the evolution of legal informatics, thus giving us a first hint for the project of this volume. The contributions of the authors make this volume precious well above the merits of the editors. They deserve our gratitude for having patently waited the completion of this complex collection.

We thank the reviewers who had to work at a careful re-reading and in many cases gave useful suggestions.

Our thanks to Giuseppina Sabato and Simona Binazzi who managed, with their usual caution and professional care, the editing of the volume.

Ginevra Peruginelli and Mario Ragona

Post Scriptum. At press time we have just received the sad news of Jon Bing who passed away on January 14. He was a pioneer in the world of legal informatics and the community of scholars in this discipline will miss such original observer and innovative thinker. His outstanding research activity is, moreover, well evidenced by his contribution to this volume.