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FOREWORD TO ISSUE 3/2023 IN LOVING MEMORY OF ALBERTO M. MUSY

The present issue of the Journal of Law, Market & Innovation features a special section dedicated to the topic of torts and innovation.

It is dedicated to honouring our late colleague and friend Alberto Musy, in the tenth anniversary of his passing.

The special section covers, with a comparative perspective, a range of subjects, such as how tort doctrines (and private law doctrines, more generally) can be reconfigured to encourage innovation in our society; innovation within tort law itself; innovative approaches to regulation; and novel remedies that are capable of accommodating new products and processes.

The topic of how the rules and policies of tort law affect innovation was one of Alberto's many interests. As his colleagues and friends, we would like to offer here a brief summary of his multi-faceted academic career and personal life.

Alberto was a dear colleague and a loyal friend to all of us. He was lively and learned, loved life and everything that could in a clever way pick his infinite curiosity. He lived happily with his wife Angelica and four daughters: Isabella, Maria Luisa, Bianca and Eleonora. In March 2012, a despicable and heartless assassin shot Alberto in the courtyard of the apartment building where he was living with his beautiful family, early in the morning, after Alberto accompanied his daughters to school. Alberto entered in an irreversible coma and died in October 2013.

Alberto M. Musy graduated in law with honours from the University of Turin in 1990. He wrote a thesis in the history of law. In his thesis, he analysed divorce law in Piedmont during the Napoleonic era. After graduation, Alberto became interested comparative law. Hence, he continued his academic career as a comparativist. In 1995, he earned an LLM from the University of California, Boalt Hall School of Law (Berkeley). In 1998, he obtained his PhD in comparative law from the University of Trento. His doctoral dissertation entitled "The duty of pre-contractual information," offered an insightful analysis of disclosure duties in the pre-contractual stage. Subsequently, he spent a year as a Junior Boulton Fellow, at McGill University, Montréal.

In 2000, he was appointed Associate Professor of Comparative Law at the University of Piemonte Orientale. There, four years later, he became Full Professor, in the field of comparative law. Alberto taught a vast number of subjects pertaining to comparative law: Economic Analysis of Law, Comparative Private Law, Comparative Contract Law, International Contracts, and Comparative Corporate Law. . Alberto was a popular and deeply admired professor. Students have always shown great appreciation for his teaching because of his unparalleled ability to connect with them.

He was, in addition, an Adjunct Professor of Economic Analysis of Law in Rome, in the Scuola Superiore della Pubblica Amministrazione; Lecturer in Anglo-American Law in the University of Turin, Faculty of Law; and Lecturer in Comparative Private Law in Bocconi University. He built an international career as a visiting professor: Professeur invité in Nantes, Faculté de droit; visiting professor in the Faculty of Law, Bar-Ilan University; visiting professor in the Cardozo School of Law in New York; and visiting professor in Fordham Law School, New York.

He wrote two important books. The first "The Duty to Inform: An Essay in Comparative Law" published in the Quaderni series of the Department of Legal Sciences of the University of Trento

(Il dovere di informazione: Saggio di diritto comparato, pubblicato nella collana dei Quaderni del Dipartimento di Scienze Giuridiche dell'Università di Trento). This topic had already been addressed by Alberto in his PhD dissertation and in an entry "Responsabilità precontrattuale" for the renowned encyclopedia *Digesto italiano* (sez. discipline privatistiche, XVII, Turin, 1997, 319 ff). The results of this research are accessible to the general public in the article "The Good Faith Principle in Contract Law and Precontractual Duty to Disclose a Comparative Analysis of New Differences in Legal Cultures," published in *Global Jurist*, Vol. I, Number 1, 2001 and in the Italian report included in the book "Mistake, Misrepresentation and Nondisclosure," edited by Ruth Sefton Green and John Cartwright, which appeared for the Cambridge University Press, 2004, as part of the series "The Common Core of European Private Law." In his research on pre-contractual liability, Alberto Musy combined his comparative expertise with the economic analysis of law. Alberto's scholarship has been and still remains a landmark of the literature in the field.

The second monographic work, "La comparazione giuridica nell'età della globalizzazione: riflessioni metodologiche e dati empirici sulla circolazione del modello nordamericano in Italia," published in 2004 in the Collana degli studi di diritto privato dell'Università statale di Milano, was preceded by the important article entitled "Alcune note sul pragmatismo nell'esperienza giuridica italiana", *Rivista critica del diritto privato*, 2002. In these studies, the circulation of the North American model in Italy is addressed as part of the broader global diffusion of U.S. patterns and models of law production, with particular emphasis on aspects related to trusts, the interactions between business choices and the regulatory environment, and the efficiency of civil justice.

In 2006, he published with Silvia Ferreri the volume on the Sale contract in the *Treatise on Civil Law* edited by Rodolfo Sacco. There, he had the opportunity to address and update some of the topics he held most dear. In the following years, he collaborated on several civil law works, including the *Commentary to the Civil Code* edited by Paolo Cendon, published for Giuffrè in 2009.

Alberto Musy's research work includes, in addition to what has already been mentioned, more than 30 scholarly articles and several contributions to collected works, published in Italy, the United Kingdom, Germany and the Netherlands.

Beside academia, Alberto Musy's research work was conducted at the Einaudi Center in Torino (<https://www.centroeinaudi.it>), a think tank where jurists and economists develop common knowledge. Alberto was a member of the Steering Committee and, in this capacity; he promoted crucial research on the functioning of the Italian judicial system and on the quality of law and administrative action in Italy.

At the University of Piemonte Orientale, Alberto Musy has been the promoter and organiser of the Stresa Lectures in Law. The meetings, which were held annually from 2003 to 2010, had among their guests Ian Ayres (Yale Law School), Henri Hansman (Yale Law School), Richard Epstein (University of Chicago Law School); Muriel Fabre-Magnan (La Sorbonne), Katharina Pistor (Columbia Law School), Gideon Parchomovsky (University of Pennsylvania) and James Boyd White (University of Michigan Law School), and helped create a scholarly community willing to continue working on the ideas and projects he shared with Alberto Musy.

Alberto M. Musy's intense scientific and teaching activities were made possible by his personal and human qualities. Alberto was first and foremost a devoted husband and father and a family man. He was also an amazing friend. His optimistic disposition towards life, his ability to look ahead and think outside the box, his kindness of spirit, cheerfulness and sense of humour formed the basis of the enthusiasm with which he pursued his initiatives and research. Alberto was also a great lover of Italy. He loved Italy with all his heart and was willing to make great sacrifices for it. We miss him every day.

B.G.T., G.P., C.P., R.d.C.