

## Work Journal Regarding the Italian Jurist Giuseppe Pera

### Giuseppe Pera

*Writing about Giuseppe Pera: a European perspective;  
How Giuseppe Pera has (not) determined my professional choices;  
Giuseppe Pera and his many professional roles;  
Giuseppe Pera as a Russian prisoner;  
Giuseppe Pera and the Italian Christian-Catholic culture: Azzecagarbugli's view point.  
Corresponding Author: Giuseppe Pera*

#### 1. Writing about Giuseppe Pera: a European perspective

Someone might find it weird that I am about to reply to a call for paper dedicated to the figure of a beloved Italian professor in labour law, Giuseppe Pera, adopting the English language. Therefore I need to preliminary say that, by doing this, I am also coping with a second task, coming from a Dutch client in the health and safety field, who asked for a written contribute that is supposed to have a topic of my own choice; to this Dutch doctor I proposed the Italian character as a subject, and queried about the possibility to match the two calls; since the answer I was sarcastically given is a warning to “do not write about any Russian prisoner”, I dare the matter is even going outside the European borders. While I sincerely enjoyed the idea of writing a contribute to the memory of Giuseppe Pera, because it brings me back to past times that were meaningful to me, I felt thrilled at the purpose of considering Giuseppe Pera's work from such a comparative perspective, also considering that, at a first look over the Italian professor's bibliography, very little attention seems to be expressly yielded to matters that are afferent to the European project.

To be assigned a work that is not strictly regarding any specific normative issue, but the contribute by a jurist, does give the opportunity to reconcile the technicalities, as well as the formalities of the subject matter, upon its social context directly. The social context of any legal issue should be a parameter to the analysis in the juridic argumentation always, as Giuseppe Pera loved to stress in his work (this is what makes any social science just slightly different from a so called pure science, isn't it?), but considering the general contribute that a jurist might have given to the development of the law, rather than to interpretation of historical facts that are normatively relevant, gives a broader license to connect the social context, with its many aspects, to the law itself.

Moreover, whatever the subject, I suppose that any juridic written task is better accomplished once the purpose of the working can be clearly appreciated. I thought that investigating Pera's concerns over the European project for integration by that broader perspective that collocate Europe just in the middle between the U.R.S.S. and the U.S.A. as two opposite model, can fit both purposes. To make explicit the purpose is a preliminary concern in times when the digital economy seems to drive our professional activity towards many possible professional goals, as self employed connected to clients by means of personal computers. In a 1995 note Giuseppe Pera wrote: “In some big process the main role is played by Taormina (n.d.r. : famous Italian lawyer for having defended important people involved in big crimes). Few days ago I read that he is also a professor at the University of La Sapienza. How can he do the both? Perhaps it is because in that University there is no material space for all those who are registered in the Year book”. More precisely, lawyers need to carefully avoid conflicts of interests as ordinarily rising up when clients do not state clearly their objectives, and do not clarify which is the interest they are pursuing.

So here I go, and, at considering the Dutch client perspective, who assigned me a free topic, I take it as the starting of a professional dialogue, at this stage having no further aim than that to consolidate an international experience in the exploration of labour law and social security matters at an academical level; from such a viewpoint, the purpose of the writing appears to be the testing of a fiduciary professional relationship.

From the Italian perspective, on the other side, I am not going to deny here, the relevance of my application for the national scientific licence in the sector of labour law: I suppose that the open call for paper by the Giuseppe Pera Foundation can turn to be relevant not only as an evaluation of the performance itself, as for an investigation over the academic nexus between me, as a labour law researcher, and the Giuseppe Pera's School, just based around the University of Pisa, which is the University where I graduated too in law in 2000, although not having been one of the Pera's fellows, and having specialized in labour law while I was in Rome instead.

## **2. How Giuseppe Pera has (not) determined my professional choices**

For anyone abroad that would not know professor Pera's history, he was born in Lucca, Tuscany, in 1928, in a family of farmers, but opted for classical studies; after a short period as a professor assistant, he succeeded in a public selection as a magistrate in 1955 and worked as a judge until 1966, when he went back to the University and taught labour law until 2001. 2001 is the year when Marco Biagi was killed by the red brigades, and the year of the terrorist attack to the Twin Towers too. Giuseppe Pera, who actively participated and influenced the country life, is told to be the master of both Marco Biagi and Massimo D'Antona (the other professor in labour law died in 1999, yet because of the red terrorism).

In a note dated 2002 Pera straightforwardly reflected over terrorism, wandering whether it was not useful: "unfortunately, with a refreshed mind, we do have to doubt it. Firstly, it has been massive, sometimes, and this is enough to have an impact. I limit myself to remembering the big wave, with thousands of victims, in the Russia of the Zar, right after the failed revolution in 1905. Then the murder, really happened sometimes, of the president of the United States of America is a fact, by far, bigger than any ordinary crises of the Government in a parliamentary democracy. During the opposition, some days while I was in Pisa I felt threatened, finding comfort by thinking that, amongst my duties, there was that of let them killing me. Once I dealt with a collective dismissal at the employment tribunal in Lucca, then adjusted by a payment of a not excessive sum. But the client ("sparagnino come i lucchesi", a provincial expression probably meaning the tendency of those living in Lucca to get pleasure in shooting) did not understand why the judge insisted much to go for a transaction. I told him that there were several reasons to transact, not lastly the consideration that, when the litigants conclude with a shake of hands, the risk of a shooting at legs thereafter gets lower. I repeated this years later, in a public meeting in Siena, doing an intervention lately published in TLG; it followed an exchange of opposite views between me and a magistrate from Florence. When I read the remembering of G.Rosa, regarding the years of his directorate in Salerno, extremely interesting, I had the impression that he felt threatened too in several occasions, having a reaction that is strictly human". As for the international terrorism, in 2001 Pera focused over the need of measuring the distance between a moderate, rather than an extremist, Islam, and recognized the importance of a reflection by labour jurists over the matter of "a common conscience that keeps considering women in a feudal condition", suggesting hereafter a planetary positive action, hoping for a contribute by professor Maria Vittoria Ballestrero and her fellow De Simone toward such a perspective.

Giuseppe Pera, having experienced the Second War as a young boy, firstly joined the "Partito d'azione" (party for action), then the Partito Socialista Italiano" (Italian socialist party) from which he was expelled, because of his opposition to the Stalinist view; according to a 1994 interview, he very liberally sympathized with the chine model, thereof commenting: "the need to feed more than a billion of people, can imply the necessity to combine political totalitarianism with a market economy". As a lawyer, in 1979 he accepted to defend the FIAT management, accused to have illegally fired a group of workers assumed to belong to the red brigades, but in 1997, when he left the Bar, he declared he had no regrets, feeling satisfied with his academic role.

Contrarily to my personal experience as a labour law student, Giuseppe Pera correctly felt the importance of collective labour relations since the very beginning of his researching activity: at the age of 27 he graduated at the law faculty discussing a thesis about the comparative evolution of trade unionism, a eight hundred pages "hopus magnum" as he recalls it to be. As for myself, I firstly concentrated on labour law regarding individuals and personal employment contracts instead; I suppose this is because of a psychological resistance to understand the need of men to associate within themselves, I mean, to associate out of the law, out of political parties. Moreover, I was refused a collaboration with a big trade union when I was in Naples, apparently without any reason since I asked for a voluntary job while I was receiving a University scholarship, having thus the aim to not leave the legal practice as a solicitor, and that marked my reluctance to get into a deeper knowledge of trade unionism.

Therefore, it can be told that I did not understand trade unionism when I first studied it on Giuseppe Pera's text-book; indeed, I remember the studying of the all that text as a quite big effort in comparison with other big exams. Perhaps I started to realize the social importance of trade unionism and collective bargaining not before 2009, while I was a PhD student and the Italian trade unionism split up because of the FIAT case. More clearly I found myself reflecting over Italian unionism in 2011, when a huge debate rose after the Government statutory reform that allowed proximate collective agreements (decentralized agreements) to derogate the statutory law with precedent power; what then caught my curiosity is that the three main national trade unions bargained for not taking advantage of such a power, as just recognized to all of their representatives on the national territories. At this later time I was studying again systematically labour law another text-book which presents the subject in a very simple, black or white style, which is something easy to manage, especially for young researchers just recognizing themselves as products of the so called "liquid society". By the way, my work has been more than once reviewed, and essentially criticized, for being not that "black and white":

according to Giuseppe Pera's view, when a legal argumentation is given in a colored manner, facts appear to be superficially reported and result to be easily misunderstood, leading to a journalistic style of writing, essentially meaning a poor, questionable quality of writing, from a jurist point of observation. Moreover about giving a contribute to the critic of myself, as a juridic writer, and contrarily to Pera's passion for the historical knowledge, I confess I have always being more interested in the development of ideas and philosophies, which is something that actually does not help when it comes the time to make "secular" balances that juridically matters.

For my own defense, instead, I remember I was severely methodical at preparing exams at the law faculty, although rarely I attended the University courses in Pisa: after reading every section of the entire text-book, and having underlined the main passages, I wrote by pencil on a very cured notebook the all synthesis, then I proceed with underlining the main concepts with colors, and repeated twice the all of the notebooks; lastly, I made a faster repeating, to hear I had something like the all notes in my mind. Sadly, many of those book notes got lost (probably in one of the many moving from a house to another), and amongst the lost ones there is labour law, so I miss the chance of reading again my synthesis regarding Pera's view on the efficacy of collective bargaining, for instance, supposingly amongst the more complicated part, which resulted, in that summer 1999, perhaps, as one of those topic that a student finally accept to remember by the repeating of sentences, more than by getting possession of their meaning.

Although I did not attend Giuseppe Pera's course, I remember he was a famous professor amongst students, which is not the same as being a famous professor in society. Once, I saw him in person: he was entering a front door in the University square. At that time I was living in town, in a flat that I shared with other student-girls, and one of them used to say that any encounter, just happened on the road, isn't occasional. I studied labour law for the first time when I was about to move to Southampton for the eight months of the Erasmus program, to prepare my final dissertation in civil procedure. I remember myself feeling slightly depressed that summer, and reflecting over the importance of intellectual honesty, just not connected to the study of labour law. Later on, I would have realized that to apply intellectual honesty to one's professional approach is a very risky pleasure, and more exactly, when I studied the labour (Biagi) reforms in 2003, I understood how easily can a simple but clear mindset to a labour issue be "industrialized". Not everyone in society is a land owner, not everyone is a capital owner, but everyone can be a worker, and this is why workers have the future in their hands really. Perhaps, this is how I keep on justifying myself psychological resistance to deeply deal with collective actions, still today. When one reads Giuseppe Pera's writings he can appreciate the great effort that is needed to prevent a superficial attitude in understanding a normative issue: not only intellectual honesty is required, but the act of an "intellectual faith" too, if you pass me the oxymoron.

I was not examined by Giuseppe Pera, nor by his collaborators; the other course for labor law in Pisa was chaired by Papaleoni and groups of students for oral examination were made in alphabetical order. My examiner took the sweat out me by asking details over the discipline of managerial work, which is something I frankly paid the same little importance as to the score. I have always paid few importance to the score at University exams, considering better to be fast. In 1999 only one facilitative exam remained for me to pass to get the degree, together with the final dissertation. Therefore I did not care much because of the bad score in labour law, the lowest I have ever get and asked to my supervisor what topic would have been of interest for a written dissertation in civil procedure, firstly, and what subject matter more could have turned to be useful as a facilitative exam, secondly; he proposed me the English civil appeal system as an issue to analyze, and indicated administrative procedure or family law as two useful subject matters. I took the civil appeal system in the common law as a good issue, and, as for the last exam, I opted for administrative procedure rather than family law. When I graduated the year after, feeling myself as in the middle of no-where, as it happens to many students just having finished their studies, my father wanted to me to consider to become "someone", which fact made me realize that I was in the middle of no where really (since I felt I was "someone" already, of course!).

I chose labour law as my elective subject matter few years later, after some struggling at the crossing between a specialized approach, rather than a general one, to my legal expertise. I was then living in Rome, and one day, while I was in my bed with my personal computer on my knees, I thought that to be professionally successful, for one like me, it would have be a better idea to specialize in labour law then to go manifesting before the Parliament. Actually, the faculty of law was a choice I made after having excluded all the faculties with scientific exams, maths in particular (which I barely passed at high school, although having had nice teachers); I would have opted for political sciences, if my brother, twenty years older then me and being already a medical doctor when I started the University, did not tell me that political science is for crappy people, compared to the faculty of law. Assuming that a girl has to do something to make a living, specifically motivating me to opt for the labour sector, instead of other fields, was the consideration that success could have come easier amongst professionals that are supposed to know, better than others, how "everything can be measured around the human being". I did such reflections while I was attending the post graduate School in

European Laws and Economics at Rome la Sapienza. Therefore, it can be told that what moved me toward labour law was a rather individualistic purpose, rather than a political/socialistic oriented one, as for Giuseppe Pera was. I started there to research about labor issues, and considered that the economic and material dimension was a preliminary concern to understand while approaching to legal system, as well as that the national perspective was a limit to the comprehension of such a common complex phenomenon.

### **3. Giuseppe Pera and his many professional roles**

Giuseppe Pera opted for the faculty of law having the perspective of becoming a lawyer, at that time “not having enough self esteem” of himself to take on the ambition to enter the University. This is something I actually did as well; nevertheless, when I started doing the liberal profession I had deep perplexities because of the bad consideration that lawyers have, according to the provincial view that uses to question their moral integrity. More precisely, it happens very often that clients, or potential clients, choose and value their lawyer according to how can he conceal the relevant matters of fact, play around with theoretical details, assuming that what is at stake is plain clear already to those involved.

Then Pera opted for the carrier of magistrate, after receiving an express advice to do so by his referees in the University; I considered the magistrate carrier too, as every law graduate does, but it seemed to me, to some extent be colliding with the international breath that I had already experienced during the Erasmus program, thus longing for a career with some traveling included. Moreover, the preparation to become a magistrate required a full time studying period and I felt like I could not afford such a loss of life-time to achieve a proper economic independence. Any other less ambitious position within the public administration seemed to be threatening to some extent, in terms of lack of freedom and living chances, although interesting for prosaic purposes.

On the other hand, I have being told that working as a lawyer never get one bored, and I keep on verifying how this is true through the years, which fact I consider to be a reasonable “moral” compensation to the lost of “good reputation” that, according to the mentioned provincial parameters, use to mark any lawyer, female lawyers particularly. Giuseppe Pera wrote that “the lawyer is the man who works in the me-lee, making substantial choices, he is the man that reaches a compromise about what is realistically opportune, notwithstanding the linearity of principles”. To this view I might add that any lawyer having the purpose of also giving a contribute to the development of a given field of legal studies is pushed toward a severe coherence in linearity of principles. Nevertheless, such a theoretical coherence should find its natural limits in what is the personal integrity of any jurist, just generally meant “as one who does not belong to any party”, nor who does not apply a legal principle as an absolute value just outside the social context.

To the theme of magistrates’ independence, Giuseppe Pera dedicated many theoretical writings, considering and distinguishing between “personal independence” (“in interiore homine”) and “institutional independence”. In 1959, as a young judge having just entered the function, he commented the parliamentary law approved to rule the composition and functions of the Magistrates’ Supreme Council, the supervising body; he described the parliamentary and political context wherein the statute was approved, giving precise normative details that, since he focused not much on the text-law as upon its institutional meaning, procedural steps and political compromises that were necessary to achieve it, resulting never boring to the reader, let understand the several resistances by those – cited with names and functions – who were actually not interested in such an achievement. The then young judge’s comment, alerts over the risks deriving from the judge being a “human” human being, it alerts over the risks of being the judge influenced both from aggressive attitudes and from more pernicious soft corruptive manners of those pursuing personal interests just far from justice; after citing Vittorio Emanuele Orlando in his saying that “I smile while listening arguments over independence by those in need of a professional recognition”, Giuseppe Pera concludes that judges’ (not only self) governance should encourage their spirit of independence, while those who sincerely cares for the future of free institutions should always be defeated. This is a sentence that clearly reminds to any jurist the importance of taking the distance correctly, as to the systems wherein they are supposed to work and express opinions.

The matter of magistrates’ independence poses theoretical issues which similarly arise for teachers’ and schools’ independence. Teachers and schools too are called to determine the practical approach to individual and collective social problems, according to the exercising of a function that directly impacts the life of people; while judges are called to intervene once the issue has turned to be problematic and requiring an impartial contribute to be solved, teachers and schools are called to prevent, within the limits of their role, social diseases and disorders, according to accepted cultural standards.

Article 33 of the Italian Constitution states: “Art and science are free and thought freely. The Republic states general norms as for instruction, establishes statutory school for any order and grades. Private entities have the right to establish school and educational institutes having no cost for the State (...) Institutes for high culture, universities and academies have the right of autonomously regulating themselves, but respecting the

statutory laws”. It is clear hereafter how the governance of magistrates, as compared to the governance of teachers, implies a common subordination to statutory laws, as well as to disciplinary powers that are ultimately exercised by the supervising bodies, watching over their performances and respect of codes of conduct. In the case of teachers and schools, it is expressly provided by the Constitution that private too may establish self organized bodies that can freely operate, but not posing any cost upon the State, which fact - the economic independence of private schools and universities - is what actually leads to consider the autonomy of teachers and schools as having an even bigger (potential) impact on societies than the judiciary autonomy, because of the cross borders character that marks the rules of economies. Giuseppe Pera repeatedly took position for the elimination of this Constitutional provision posing no burden on the State in case of private schools.

Out of concern is that competition amongst different schools, specifically between public and private Universities, is meant to be beneficial in Italy, according to constitutional guidelines, while the competition amongst the judiciary bodies is questionable because of their being committed to pursue a general interest that is supposed to be unique and thus uniformly interpreted; moreover on the theme of autonomies’ governance, Pera embraced the vision of a public sector (and of a public University thereafter) that is easily corruptible because of the lack of an efficient system at highlighting and punishing the vicious one and the vicious circle. About the need to reform the system to recruit the academic members he ironically wrote, occasionally after one of his scholars being selected that “it is a losing of time: fundamentally, the matter is that, generally, any professor at the University is fully concerned by the perspective of “settling” his own scholars, thus he is a perished one, and with perished apples the apple-marmalade cannot be made”. Always concerned with the social context, Pera used to report the debate over University recruitment in the perspective of students’ (also quantitative) needs, till he arrived to suggest that it would be better to separate professors’ scientific contributes from any other managerial concern that comes to his attention, that do not really requires any deep scientific specialization. Specifically about the public selection procedure, Pera took the view that it is preferable a statutory law fixing a democratic ruling, even providing for a 80 per cent minimum for the applicant professor to be elected, instead of the then existing procedure that impliedly was by co-adaptation by academy members into the available posts.

As for nowadays, the Italian system to access an academic license as a professor is formally not shaped in a competitive feature, meaning that it does not set a comparison amongst applicants, and it actually open to job positions in both public and in private institutions; only after the applicant is entitled to exercise the teaching function at a national level, having passed the selecting exam, can he hope for a future engagement, relying upon any professional credit that he or her has gained amongst autonomous Universities or leading professors (a sort of job on call). In other words, the public selection procedure, establishing a junction between the statutory instructions, having its head in the government (specifically in the Minister for Instruction, Research and University), and the universe of scientific societies, self regulated Universities, national university representative, independent bodies just established to grant the independence of a scientific quality, does not represent, itself, the entering of any employment position. Rather, this represents the “administrative” releasing of a “license”, demonstrating the absence of any administrative irregularity to the exercise of a function having such a public relevance.

As for the independence of any applicant teacher (“interiore homine”), broadly speaking, the scientific value of their work must be weighted in a relative manner, therefore the personal profile of any applicant becomes a crucial variable to compose the puzzle of one’s professional attitude. An almost ninety years old Italian journalist, who focused his carrier on scientific documentations, puts it very simply, catching the political impact of such an evaluation sharply: “I am with science practitioners as for matter of contents, I am with the public as for matters of language”, in that anyone can appreciate how the scientific level of a contribute comes up by its contents, insofar these are expressed in such a language that is capable to be understood by the public.

As for the independence of schools and Universities, which are not supposed to be subjected to the political power of the national government, much emphasis is recently been driven toward the contribution by the A.N.V.U.R. (National Agency for the evaluation of University Research) established in 2006 for fighting the baronial character of which the Italian selecting procedure for academies is accused to have, in place of a system that grants the highest quality of members within the scientific community. Also the procedure establishing that members of the examining commission are chosen by a lottery system is correctly accused to be not reasonable in comparison with a democratic vote within the community.

To be remarked is the fact that no clear specifications are given as for the measuring of the international relevance and impact of an applicant curriculum, except for the provision of one foreign member taking part in the selecting commission, a panel of five, which is of a sensible importance in a selecting procedure that, theoretically, releases a license for the exercising of a function beyond the nationality of academies. A.N.V.U.R., having its legal address in Rome, Kennedy road, is questioned as for its lack of communications with other institutional stake holders of the same general interest, and for having adopted a ruling, in line with that of the government, that pushes toward a competition amongst applicants, rather than to a

selection for individual scientific merits, recalling the old system wherein recognition of scientific merit and access to employment was a unique procedure. From my personal experience in defending in tribunals my application, I can only confirm a mysterious silence by A.N.V.U.R., that does contrast its focus on elevating the level of performances by way of transparency.

#### **4. Giuseppe Pera as a Russian prisoner**

While he was still exercising the function of the magistrate, Pera argued that, if he was not a professor in labour law, that was because he questioned the specific utility of such a public function. But then he actually devoted the most part of his professional life to it. Whether he felt trapped, to some extent, by such a devotion, could bring this dissertation of mine toward the international perspective I am trying to match with. Can it be argued that Giuseppe Pera was, and still is and in his intellectual legacy, a Russian prisoner?

On one side, by posing the matter of considering the personal nexus between Pera and the Russian culture in such a question mark, I can define this paper of mine as a contribute in remembering this big man in the history of Italian labour relations without the possibility of having known him in person, nor knowing, to this day, the whole of his intellectual legacy. On the other side, the received warning to reply not positively to such a question, provokes my duty to keep a professional mind set that rather looks for an answer just reliable according to a common comprehension. Firstly, I need to settle down few sentences to border this “Russian prisoning” for conventional purposes; what can we mean for being a Russian prisoner? The imagine that suddenly came in my mind at listening such an intriguing warning was that of those Russian big writes, who lived across the two centuries when the idea of the communist revolution was truly moving the people around Europe, and who were just arrested, if not condemned to death, by the communist regime that they were criticizing or trying to oppose. If we stop to such a definition, sticked to geographical borders and largely acquired by the dominant Italian culture, it would come quick the negative answer, for having Giuseppe Pera lived in a country that assures individual liberties and freedom of expression instead. But I assume it is far more interesting to transpose the analysis over a political level, so I will try to guess whether Pera can be described as trapped, to some extent, by the political views he was convinced about. Once, when I lived in Naples, the head of the law firm wherein I was working, complained that I was trapped by my own (political) view point, which found myself without counter argumentation, actually, at that time. But this is does not seems to be the case of Giuseppe Pera.

The fact that he used a pseudonym, Arturo Andrei, to sign some of his articles, proves a self censorship that is justified by his consideration for the public role he wanted to play, as well as his passion for not conventional communications attests his need to express himself; the writing about political matters adopting a false identity, actually, denounce how he felt that there was not a real possibility to express his opinions without paying a high price for it, considering that the prices were settled, not by the communist regime (rather accused to finance its militants living abroad) as by the national State wherein Pera was about to build up his own living.

It must be said that, in times of Cold War amongst national States, Russia represented something deeper than a different political view point, since it culturally released the imagine of the “other”, in respect to the western (American) idea of freedom. That kind of antagonism delivered the myth of a world that can be watched like it is a unique medal having just a double side. It justified the confrontation between authentic divergent interests, naturally rising the human passion for politics (and for political alternation hopefully), which perspective appears to be slightly lost in nowadays politics, when confrontation takes place pragmatically over projects leaded forward by personalities representing stakeholders. Therefor, when I listened to the warning of not writing about any Russian prisoner, as an instant reaction, I enthusiastically replied that I had no reason to such a dissection: most of the times I have being reading Russian literatures I felt like they were communicating deep breaths of the greatest freedom, and I believe that no one who is capable to share such a feeling of freedom, like Giuseppe Pera’s writings proves he was, can be considered as a proper prisoner.

For sure, as for every deep cultural influence and confrontation, that between the Italian “de facto” socialism, willing to depart from an authoritarian model by not using full strength, and an American model just (morally) watched with suspect and concerns still today, was not without moral conflicts and shortcomings for the Italian character. In one of his notes, dated 1988, Pera was struggling before the formal complexity of Italian statutory law – that is not immediately intelligible for men on the street – and considered how any political form tends to degenerate in the long run; since such a degeneration produces a defending reaction from the social body, someone, alluding himself, would like to remedy by introducing “a law that will be forever good, thus preventing any medical doctor to speak”. Therefor, Pera, appealing to “the Russian wind of clarity and transparency” ironically gave two opposite examples for a statutory law: the incomprehensible financial statute of the year, on the one side, and the very clear and complete fascist statute regarding inventions and intellectual property rights, on the other side, straightforwardly observing: “Damned, is dictatorship supposed to be thus necessary?”. In a later note, dated 1993, we can find a trace of the delicate physiological nexus that translate

the individual sphere of the conflict into the collective dimension: Giuseppe Pera recalled a Lev Tolstoy storytelling indicating a method to solve any collective conflict: to progressively reduce the circle of competitors and let the final confrontation to happen between the more resistant litigants. Specifically, the reaching of an agreement would thus be easier because there is not a real rationality in the increasing in number of expositors, while there could be more rationality, and possibilities to adjust, by bordering the conflict upon the individual instances, which are more rational since they are human.

Looking at the historical circumstances, it must be remarked that Giuseppe Pera was born in 1927 (three years before my father did, by the way): too young to take part in the second World War directly, yet ready to enjoy the so called “economic miracle” of the 50s, and perhaps sincerely disoriented by the worst (terrorist) brutalities of the 1900 century. As a young scholar, grown up in a family of farmers, he was an enthusiastic supporter of the Marxist view and followed with apprehension the evolution of the real socialism in the U.R.S.S., without missing to make comparisons with the Italian and other countries’ situation worldwide; specifically in regards of the balancing of powers between the State and trade Unions, he proposed that the equilibrium is to be found in the dialogue flowing from the general perspective to the specific needs, and the reverse, never giving for granted therein how the cost of labour is precisely fixed, as a main component of the profit of enterprises, that cannot be defined unilaterally by the State (although supervising and directing the national economy for the better development), nor unilaterally by the social parties. His approach to collective bargaining as a relatively efficient method to solve the social conflict comes up clearly in an article that he wrote after his experience as a consultant to the main union in the metal industry in 1974, wherein he argued, before the ambivalent position of some trade union representatives who were discussing the scope of national and decentralized bargaining, that, putting it very simply, “any game can be played unless there are at least two players who want to play that game”, and questioned whether it is really in the interest of the social parties not having a clear ruling to ground their own dialogue.

The Italian dominant juridic literature, as developed since the Republican epoch started in 1946, openly influenced by the American model having saved Italy from further violence that the Nazi-fascist regime was about to bring, has progressively handled a rather negative judgment over the Russian model, which is still nowadays watched with concern because of the authoritarianism it is accused to have established .

Nevertheless, the communist-collective vision has had a strong cultural impact in Italy too, and have been practiced through the years by a minority at the political system level. Italian democracy have seen, for decades, the ruling of a mixing of the Christian and Socialist parties, while the communist movement finally lost his chance to enter the executive in 1978, when the then president Aldo Moro, who was tempting to open to the so called “historical compromise”, was raped and then killed by the red brigades. At a level of labour relations, the Italian national Trade Unionism – to which academic carriers are permeable – developed in groups that have been not formally shaped, nor structurally transparent until the more recent years – while Giuseppe Pera is told to be a supporter of the Italian Constitutional norm that requires a statutory legislation for the underrepresentation instead; the idea of workers’ participation in the economy, a communist perspective in its material implications, has spread its seeds at many level of economic cooperation. The main expression of workers’ direct participation in the management of economies in Italy is perhaps that within the cooperative model to make enterprise (known to be different from the capitalist model, since its capital cannot be just transferred nor sold in the capital market). Pera did not denied the importance of the cooperative work; once, after listening to a panel of academic colleagues who were discussing the theme but who “forgot to recall the ancient (cooperative) principle according to which work and capital must stay in the same hands” he wrote he felt rather disappointed.

Once assumed that the Russian wind can be a theoretical source for natural liberty to those that have culturally appreciated the developments of communism in its human portrait, and considered the many ways Pera found to appreciate it, as well as to depart from it, included his lifestyle (that kept him quite far from the big cities, Rome in particular), his week-end walkings with colleagues, his sending unexpected postcards to friends and so on, it can be said that he, personally (“interiore homine”), cannot be defined as a Russian prisoner.

It remains to guess whether Giuseppe Pera felt himself as an oppressed one in the conflict between his Russian (or German, more precisely?) vision and the Italian “de facto” socialism that he actually experienced, at the professional level while doing his several activities. An investigation over one another dependence – till reaching a prisoned condition to put it at an extreme – according to institutional/economic parameters, leads to an investigation into the structures of social security that rule a society.

Pera talked proudly about himself as a dependent worker, feeling secured in the economic condition he was granted for being an academic professor. He recognized to the European collective bargaining model a sort of confessional feature, ultimately pursuing an aim of social peace, although he questioned the Christian roots of the European project: he declared to be, as for himself, more in favor of the French revolutionary principles.

He took part to the National Association for the study of labour law and social security (A.I.D.L.A.S.S.), he played a role as an administrator in a bank (Cassa Popolare di Risparmio), that is a role for a self employed worker, and performed the role of barrister collaborating with younger and elder colleagues.

When he left the Bar, he declared he had no regrets for leaving such an activity, which was forcing him toward to much running around. He complained that to independently exercise the profession required too expensive investments according to both health and safety requirements – introduced to implement the European directive – and social security mandatory contributions. And, as for the collective dimension of it, he found that any mandatory provision for a collective protection of self employed workers would have been out from a reasonable public purpose; essentially, these workers shall have to pay for their own (private) insurance, thus adopting a prevention approach to economic risks. Presumably he would have appreciated a national government statute as a general legal tool affirming rights of lawyers and barristers to be kept safe from arbitrary practices from their commitments as well as attesting their social rights for the case of illness or parental needs – as in many countries all over Europe is under consideration, but I fear that he might have suffered from that specifically provincial image of the lawyer that reduces this profession to the only benefit of those having voice to maintain the order in town, as I was saying above. Conclusively, whether Giuseppe Pera was actually trapped within an economic dimension that did not meet his needs and expectations, as he denied to be, to some extent, would imply a more direct opinion from his accountants.

I wonder how Pera would have considered the issue after this digital revolution that is now at stake, which is told to be, by someone, a new form of socialism, a consideration that would give to social networking a function going beyond entertainment, to assume an economic relevance too.

### **5. Giuseppe Pera and the Italian Christian-Catholic culture: Azzecagarbugli's view point**

At the time when the European project was about to be built up, assuming the form of the Ventotene Manifest in a first move, and that of the several treaties that have progressively established the European Union, Giuseppe Pera was taking distance from the establishment of those political movements that were trying to get the Italian social movement united; not to neglect it, but for contributing to its development by a critical view point that he thought to be more akin to the original claims, those of a movement that, at an international level, it can be told to have pursued, and to pursue still, the aim of maintaining peace.

As a smart comparator, Pera repeatedly marked how it is not possible to consider any juridic institute of any national legal system independently from the ideological perspective and from the concerned values of the national dimension wherein this is going to be applied: for example in the exploration of the legal structures of the soviet society in times when Krusciov was acting, a model that was of a prominent interest to him during the decisive years of his entering the professional life, he recognizes they are inadequate to contrast abuses from those exercising the governance power, but he alerts that representations given by American scholars, if not accurately transposing those legal institute into the objectives that the Russian society meant to achieve, can be misunderstood.

While the socialist ideology, of which the European model is painted, sets that citizens in position to freely contribute to development of the social common welfare, the capitalist ideology, of which it is rather the American model to be representative, sets that citizen are left to freely cooperate to the common welfare, but in such a way that is not taking care of poor people and means for production which does not follow the capital interests and the logic of consume for consume, matters that are rather coped with by means of a Providence, more or less legally established. From which it can be argued the importance of any investigation between the European social model and religions.

Some amongst the latest notes by Pera about the European perspective have regarded the religious dimension that the communitarian project implies. Before the specter of a possible “Third World War” as that evoked by the 2001 terrorist attacks, the multi cultural and multi religious debate (bordered in Italy by the 1928 Lateran Pacts that set the base for a republican, laic Constitution), that shaped the Italian cultural scene for decades (which of legal structures with labour law structures take part), turn to be lively actual, especially in the perspective of executing the law at a transnational level.

It is not occasional, but rather responding to an ethical and moral logic, that Pera, who was a laic man, meant the social dialogue as a sort of “confessional social dialog”; even less occasional is the fact of the many investigations that Pera dedicated to the law in its promoting working womans rights and, more in general, to the relationship between sex and power.

If am allowed to jump on a level of humanist literature, then, the several Pera's recalling of famous expressions by Italian Alessandro Manzoni, provoke a careful investigation over his cultural roots in that Catholic Italy – in biographic writings Pera recall his uncle that was a catholic priest, having a decisive role in encouraging Pera's attitude to the study, as well as in influencing a typical feeling of social sin.



It is known that “I promessi sposi” by Alessandro Manzoni (“The betrothed”) contributed gratefully to the spread of the Catholic-Christian doctrine amongst all social level of people in Italy, yet in Risorgimento time as well as in the following century 82, in such a manner to shape, still today, a sort of moral irony, if you pass me the oxymoron, over collective relationships, private and public, within the Italian society, contributing to define as prevalent, amongst the many attributes of the Italian culture, that of the Catholic-Christian indeed.

The famous novel, published in the first middle of ‘800, in full Risorgimento, accurately puts the historical facts back in middle of ‘600, when the passage from a feudal legal system to a codified (continental) one happened, bringing to an age when European regions saw the application of ordinary legal systems that had common features and common laws. This middle age legal system used both roman institutes and feudal institutions having German origins, just interpreted by regional authorities, mainly belonging to religious colleges, and it is based on practices and observation of material reality (*nomina sunt consequentia rerum*) more than on written laws, it is a system that is rational since it is logic, but it is not rationalist since it does not rely on abstract concepts as on customs and consensuses.

This type of system does share with the Marxist vision of the law that authority is fundamentally moved by social classes; it can be remarked how it is featured by a medieval perspective that looks at the legal system as a not connected, already existing factor in respect to the man (who observes himself like “from the inside of a cathedral”), independently from the the fact that the source of law resulting to be applied is belonging to the roman culture or to the barbarian-Lombard or to any canon writs. It is a system wherin public, private and religious spheres are mixed, giving to the interpreter of the single case a role that is, itself, uncomfortable and of little authoritative, since, as stressed by Manzoni, “any social class protects the single one, any class can assure him, beyond a certain point: there is a duty to adopt a system of his own”.

To the query whether the European Union has, or not has, Christian roots, Giuseppe Pera replayed with that vein of incondensable irony, with that irreverent intellectual onrush, coming from being necessary to count the complexity that links any social specific or general ambition to the historical contest of values, which is a feature of Manzoni’s novel too.

The commitment to the knowledge of the historical facts in their contest, as well as for the knowledge of the physiological condition of the characters, more than to the different source of laws, is something that is common in Pera’s analysis and in Manzoni’s novel, till I find myself convinced that a good source for the comprehension of Giuseppe Pera’s European view point is possibly present in the famous *Historia*, titled in a first moment “history of the villainous column” taking such a name because of the criminal procedure that Guglielmo Piazza and barber Giacomo Mora, whose house is where that column warning good citizens to take distance from the plague was erected, suffered for having spread the pestilence.

It is known that the novel, repeatedly cleaned in the waters of the Arno river, has been created in reaction to the abuse of the Spanish dominion in Italy of willing to enter the moral circumstances of people till impede the celebration of a wedding. While the psychological key of reading is kept under control by a storytelling that commits the author in guessing the real historical contest wherein facts happen, according to the purpose of writing about those facts in a clear Christian perspective, moments of introspective over the many characters, from the priest Don Abbondio’s grumbling, to the struggling of nun of Monza, till the comic decisiveness of the woman called Prassede, are the reflection of an attitude, I might say slightly Italian, of those who proudly feel like a judge at own home, regardless the circumstances that are around. The Catholic-Christian culture, in this novel of the Renaissance, is lively leading the all of the story, from the beginning to the end, and particularly in the description of the model of sad Don Abbondio, contrasting to the model of shining cardinal Federigo Borromeo (that of the “Unnamed”’s conversion).

The ethic of work is not at the center of the story, but Manzoni does not miss to testimony the strong impact of the protestant Reform, since from the precedent century to that when facts are placed, it was blowing from the Germany of Lutero to also the interested Italian region (Lombardy, Venetia, Mantova). Labour is meant for a social role more than for provide a service, and in its being a term for social values, it comes out in a first place from the protagonist character, that of Renzo the spinner, who “as he used to say, was one who got tired at doing anything than at working”, Renzo who, although his businnes was decreasing, “let that his own farm was run, and run it himself when his spinning wheel was not on duty” and who, “since when he put his eyes on Lucia, turned to be an estate manager”, accurately caring for his own business.

But the echo of the protestant Reform, and of the War of the Thirty years, seeing Catholics and Protestants fighting against each other in Europe, is explicit also in the narration of the public events that are the surround for the two betrothed: starting from the several mentioned acts pursuing both the wondering, the lazy once, and the bravoos just meant as thugs, or, particularly, when at recalling the circumstance of the succession in the Mantova’s dukedom, it is doubted the prince Valdistano, duke of Friedland’s fidelity to the imperator (then killed because of such infidelity); or when it is narrated the coming over by the German “lansquenentes”, those who climb mountains like cats and, not fearing the risk of the plague, since “interests and reputation

purposes, for which that army had moved, were more heavy than the represented danger”; or even more explicitly, when Don Abbondio, fearing the German arrival, warns his Perpetua, the domestic helper, by asking: “Do you want me to be left in dog's hands ? Don't you know that they are Lutheran for the main part, and that to kill a priest is a merit to them?”.

The story, let's recall it, tells about public and private events that happen in the course of three years starting from November 1628, the time when Don Abbondio met the two “bravoes”, sent by the local villain to impede the celebration of the wedding between Renzo and Lucia, the young couple from the village on the lake of Como, a village that was also a castle, since “it gave host to a Capitan, and took advantage from a stable garrison of Spanish soldiers, who teaches girls and woman to be modest, were caressing husbands' and fathers' shoulders from time to time, and, at the end of summer, did not miss to walk into vineyards, to clean up grapes and helped farmers with the harvest”; in that period, not far from there, it is questioned the succession of the Mantova and Casal Monferrato dukedom, since, at the death of Vincenzo Gonzaga, the land is entered in possession of the more akin relative, duke of Nevers, French for adoption, but it is wanted as well by Spanish count Olivares, so both parties practice and threaten by the imperator their own instances, and voices are spoken to say that in Milan there is the possibility to find an agreement.

After reading again the accurate and passionate novel written by Manzoni, giving account of the Providence graces (and disgraces), as well as of facts with their clearness and darkness, part of which are invented (it is known that the story reports what was found in the hand writing by an anonymous) and part of which are confirmed in official historical sources, I can come back to the theme of Giuseppe Pera as a European jurist with the conviction, perhaps incorrect, to better imagine the intellectual tribulation that brought him to trust the communitarian project, wherein politics and reality do cope with each other without giving place to a simple synthesis.

The fact that Giuseppe Pera did not adopt, as far as it is my knowledge, a different language from the Italian does indicate, as it is for the Manzoni's greatest opera, an adherence to the idea of an Italian identity that reflects itself in the language; conversely, it is common the consciousness of using the other languages as tools of communications that are necessary to the jurist, non excluding the Latin, the so called death language, but reported by the priest Don Abbondio as well as by the lawyer Azzecagarbugli (translated into Dr. Quibbleweaver in English version) against the young Renzo's claim.

Here above I have considered Pera's complaining about the strictness that he experienced in working as a lawyer, mainly deriving from the need to adopt European directives. And I cannot here not to recall the role that this kind of doctor plays in the saga, here taken as a sort of source for interpretation. This leads to some reflections over the confessional idea that Pera assumed in considering the European social dialogue, as in opposition to a laic dimension that is, instead, the typical one when treating labour law at a national and international level.

Before the problematic issues, the European horizon lead, lastly, to contrast of jurisdictions, and, as I am going to remember, in the not yet united Italy of the 1600 century, when the facts narrated by Manzoni take place, to the easy and automatic devolution to the Spanish authority who was governing over Milan, the doctor, called to solve the matter at stake, firstly by Renzo, and than by Don Rodrigo, the local villain, he replies with a sort of “circumstantial European view”, to underline how, in the perspective of the lawyer, it is not possible to look at the several sources of common law with a wealthy skepticism requiring, before giving judgment, to investigate the parties' orientations that are of interest.

Doctor “Azzecagarbugli”, as everybody living in town use to call him, the one “tall, dry, hairless, and a craving for raspberry on his cheek”, is the first genial idea that comes to Lucia's mother, Agnese, to solve the problem of Don Rodrigo wanting to impede the wedding purposes of the young couple: “To our poor people the crux of the matter is harder to find because we cannot unravel the knot, but sometimes a counsel, a word by a man who has studied ... I know what I want to say” Renzo says that he has seen him in person, and then the woman continues: “That one is a peak! I've seen more than one who was more trapped than a chick in the oakum, who does not know where to drive the head, and, after an hour talking face to face with Azzecagarbugli – be careful not to call him like this! – I have seen him, I say it, laughing about it . Take this four chicken, bless them, to whom I must brake the neck, for the Sunday lunch, and bring them to him; never we must go to these gentleman with empty hands”.

Pragmatic Agnese, Lucia's mother, perhaps the more modern character of the novel, thus pick up from the so called best practices to cope with the infringement of a law that, as a matter of fact, might “cover an organized impunity” as well as dis-equalities existing amongst different leagues of the epoch, by recognizing the utility of the doctor's service as a first try. The novel tells that Renzo gets very nervous while he goes in mission, and has forgotten the speeches he prepared on the path toward the doctor's house, but he gets back some straight by watching the chickens he has brought to handle; in the doctor's chamber, furnished with the pictures of the twelve Cesar, he entered being received with “paternal attitude”, although being then interrupted

by the hairless lawyer who ruffle him by saying: “Blessed people! You are all the same: instead of telling the fact, you want to inquire, since you already have your pictures in your heads”. It is already clear: the one who is supposed to make questions is not, nor could he be, the poor guy come to ask for the service. This is to be understood, according to the fact that, at such an epoch, a problem was that “blessed disgrace of not being capable to keep the pen in the hand” – nowadays we tackle with digital pens! – and yet the fact of not being capable to properly read too, although the doctor’s reading sounded suddenly very clear to Renzo.

Renzo ask whether Don Rodrigo is punishable for having thread of not celebrating the wedding, and the doctor reads, yet ready for the need, an act by the duke of Milan, confirmed by the governor, as well as by the chancellor and by the notary, saying of how : “Tyrannous acts, showing the experience of many, be it in the cities as well as in the houses ... do you hear it? Of this State, with tyranny exercising misconduct et oppressing those being vulnerable, as in acting in order to violently acquire, rent... etc.: where are you from? Ah, here it is, wedding following or not following”. See ? – This is my case – tells Renzo. “Listen, listen, there is far more; and then we will see the sanction (thus he is not shifting the instance) ... Here we are: that priest does not cope with his own duty, or does things that are out from any of his duties. (...) et other similar offenses, as following from land owners, noble, mediocre, wicked and plebeian once. No escape, everybody is in. Now listen the sanction. All these and other bad actions might happen ... every ordinary judge of this State proceed for a pecuniary and physical sanction, yet to limitations and jail, till death, a little bagatelle! To the arbitrary of yours majesty or of the Senate, according to quality of the case, persons, and circumstances”.

And then on forward, the doctor proceeds in presenting to the poor guy the thing that, according to the fashion and practices of the time, might be his fighting cover: the tuft. The tuft is what is going to label him as a “bravoe” (his being put on the wire “et being tormented, as in informative process, et although he does not confess any tort, being sent to jail nevertheless, for a period of three years, because of the sole opinion or name of being a bravoe”); as the reader will remember, it is here where “the donkey falls”, since Renzo, getting the doctor rather upset, confesses that he never has warn the tuft.

Thereafter the lawyer, assuming just granted a personal trust from his client, as due because of the role he was playing, asks Renzo who is the one he has received the mandate from, who is the offended one, since “being good at managing acts, anyone is guilty, anyone is innocent”: by doing so, he wants Renzo to enter his schemes, he wants him to choose his role for searching a solution. He does not ask him to lie already, but to tell the facts in clear manner, in order for him to re-manage them. But the young guy, avoiding any equivocacy, can only say the truth, that is all “that villain of Don Rodrigo’s fault”, which is a reply that does not give to the lawyer any space to move in order to adjust. The moral context does not allow, evidently, the doctor to translate any equivocacy on anyother as involved in that private concern (there are at least six persons acting), nevertheless, it is possible for the lawyer to insist for a name to be given in order to weight to his claim, and, in remarking that many of the read acts are anything but bagatelle, finally advice that is better to hide amongst the bravoos, rather than to cope with the matter by a frontal action. If Renzo would have given the name, for example, of his Lucia, or Agnese, or one of the two bravos who cut the way to the priest, or the priest name itself, then the case would have turned to be one to play with.

Azzeccagarbugli is defined from commentators as a speaking voice that does not stay at Renzo’s same level, as a “prelate of a magic power”, who take away from the young client of his certainty “till then untouched, that the truth is a strong matter, that the words have a unique meaning”. But insofar we get closer to moral contest we are dealing with, brings to underline how the lawyer is speaking not already against any religious law, not already against the legitimate interest of Renzo’s purpose, as rather to give voice, in the consideration of his young client searched achievement, to the relations of powers standing behind that social ruling and communications.

Contrarily to how usually AZZECCAGARBUGLI is pictured, he is not expressing the position, cinic and hypocrit, of the educated doctor who does not realize the need of justice as just manigested by the ingenue farmer, neither he wants to take out from the table the cathegory of truth: he gets rid of Renzo, irritated he give him his chicken back, since he does not get into a dispute that, in such terms as those appearing, it would have resulted in a childrens’ matter, warning him “to learn to speak, that it is not possible to come to surprise a gentleman in such a manner”. To the famous (Italian) proverb “done the law, found the tort”, also this jurist of the middle age legal system, would have like to oppose the plurality of legal systems reality, not already the impossibility to reach justice, as the duty to insert the case into its own regulatory circumstances, by letting that the false facts unvel, or exploring some clever ways to avoid the damage to happen.

Azzeccagarbugli, although from the inside of his cathedral, with the Cesars and the big chair, is precisely considering the very matter that is at stake in that factual case, bu the young client, with his impatience and his credulity, does not set him in conditions to acquire those elements more that could have allowed him to personally act to pursue, in one way or the other, the author’s fault.

The novel let us encounter the lawyer again later, right at Don Rodrigo's house, the eve when father Christopher, the future bride's confidant, appealing to God's law, try to achieve what Renzo missed to achieve via the doctor intervention according to civil law. That eve, together with the lawyer, Don Rodrigo and his cousing count Attilio, there are father Christopher, the chief magistrate, who has ordinary jurisdictional powers in the village, and two innominate people more, of whom anything is known and who stays there to eat and to contradict.

The first authoritative source that is put on the table, form "legal consultant" count Attilio is the Italian Tasso, and it is regarding the permit to speak before the intimation of a cavalier challenge to a Christian, that according to Attilio would state the guilt of the one challenging without having such a permit, to which source the chief magistrate opposes the *juris gentium* ("ambassador does not bring the sanction"). And there he intervenes Don Rodrigo, breaching the debate by asking for a sentence to father Christopher, thus made a tool for the private justice that was there searched, irritating the chief magistrate, who considers to be before a childrens' matter. But the case there specifically discussed is not yet Renzo's one: it is the case of a Spanish cavalier who send a challenge to a cavalier from Milan and, being not the latter found at home, the challenge was received by his brother, who, after having read it, strikes the mail deliver with a wooden weapon. To such an action Don Rodrigo keeps saying that it has been well done, while the chief magistrate recalls the roman law and the authority of writers to precise that "the deliver in point had no weapons", being the concern not one wherein we must cover someone's shoulders', as we must consider the character, and cousing Attilio remarks that, according to modern cavalry, that he recalls as the one effective, states the opposite.

Azzeccagarbugli, the opinion of whom is asked by the chief magistrate, after declaring that he is taking much pleasure in such an educated discussion, and having express his thanksgiving to such an accident "which created a war of intellects so gracefull" says that it is not a matter for his judgement, and that "yours majesty has already delegate a judge... here the father". But father Christopher does not accept such a competence, he does not want challenges, nor delivers, nor strakings, not being interested, clearly, to the point of honour that there was about to be fixed by his mean. It is to be recalled that Renzo Tramaglino, in Manzoni's novel, is remained without any relatives since when he was a teenager, thus an orphan, and that father Christopher is instead the only confidant to whom Lucia tells about Don Rodrigo and Attilio's attempt to get closer by speaking all but not nice words, before the two bravoes were sent to impede the wedding.

Don Rodrigo turns to press the lawyer for him to speak, appealing to his sense of spirit, since ability to give reason to anyone, would make him a man. And the doctor, thereafter, moving his forc in the air, after having stressed how father Christopher is both a perfect religious man and a cavalier (he decided to enter the religious order after having killed a human being), accuses him of wanting to make a joke over the matter for not being annoyed in releasing any sentence.

In order to move forward to such a stopping, at this point the novel is transposed, from the private context, to the public one: Don Rodrigo interrupts the debate over the private challenge and open the discussion over what was debated at the public level, particularly rising interest in the plazas of Milan, that is the succession of the dukedom of Mantova, contested between the French Nevers and the Spanish Olivares, and regarding which there are rumors that in Milan it would be possible to find agreements.

Dissenting opinions are given by those who where there sitting around the table, concerning the intentions of the pope, of the imperator, according to also the information that were known to the Spanish castellan who was in charge in the council wherin the present chief magistrat was in charge too. After that Don Rodrigo, as inspired by the idea of going beyond the obstacles, sets a new challenge, and bets on the Spanish duke Olivares: "Sir chief magistrate, gentlemen! A cheer in favor of the duke; and you will tell then whether the wine is worthy the concerned one"; father Christopher, who esitate in accepting to express any support, to avoid any little political scandal that would have taken place if he would have not embraced the Spanish part against the Franch one, drinks the vine. "Everybody sitting at the table", narrates the novel, "bursted into expressing compliments to the vine; except for the doctor, who, with rised head, streight eyes and closed lips, was expressing more than he could have done by words". Don Rodrigo then is calling again for the doctor's opinion, who replies "by spelling firmly: - I say, I mean and I judge that this is the Olivares of vines: censui, et in eam ivi sententiam, that such a liquor has no equal in all the twenty two reigns of our majesty, for God to see this: I define sir Don Rodrigo's lunches to be better then the Eliogabaldo's (roman imperator who is reported to be famous as a dissolute one); and that the famine is forbidden and confined perpetuously from this palace, where the splendor sits and shine".

Such an operation, of a procedural significance, appears to be that of a mediation between the cavalry law and the canon law, wherein the lawyer, not actually awkward, recognises the Spanish authority, after having considered the rigidity of father Christopher in not willing to judge over any challanges.

On forward, according to Manzoni's purpose to give voice to the Providence design, the fact is developed in such a way to let encounter Renzo and one of the author of the acts against the violent actions –

where from it is all begun, starting by Manzoni's inspiration - that Antonio Ferrer of whom Renzo takes defences in the middle of the city plaza where fightings were rised because of the bread's price. Following that encountering, the young guy is accused to have a revolutionary behaviour, till he was forced to change his name: Renzo Tramaglino takes the name of Antonio Rivolta and, after having suffered not little pain, amongst the vow to Madonna and the plague, Antonio Rivolta meet again, in Milan, at the so called Lazzaretto hospital, the dying Don Rodrigo, being there brought by father Christopher who was dying nonetheless, but wanting that Renzo would watch at him to pardon his tort, as to someone who was not moving his body anymore, not having any look in his eyes, already a "corps, but for a violent constriction that witnessed a tenacious life"

Nor it is casual that Renzo, once finally married his Lucia, is convinced to sell their lands in the native country, with the intervention of Don Abbondio in such an affair, but not that of Azzecagarbugli as well, "whom clothes were and still are at Cantarelli" (a near village).

Beside this private story epilogue, it is known that the year before Mantova and Casal Monferrato become part of the Milan dukedom, thanks to the German army (also called, then, lanzichenecci) passing over, who passed also by the village where the castle stands. And in respect to the private matter, we can only keep on wandering over the Manzoni's purposes to border facts and relations as actually happened and providential destiny, as to any lawyer it remains the doubt about what would had happen if, in Milan, as requested by the host, those "name, surname and for which negotiation" would be given.

**Barbara Grandi**

Giuseppe Pera. "Work Journal Regarding the Italian Jurist Giuseppe Pera." *International Journal Of Modern Engineering Research (IJMER)*, vol. 07, no. 09, 2017, pp. 24–36.