

Preface

The *Forum* is extremely pleased to present to its readers an entire volume devoted to the Catania Papers. These are a group of Articles devoted to the theme of gap-filling, equitable development, and creative judging. The Articles resulted from an international conference held at the University of Catania in May 2013 under the auspices of the University's Department of Political and Social Sciences. The University's kind invitation came through our friend and colleague Professor Biagio Andò and his Department Head, Professor Giuseppe Vecchio. On this side of the Atlantic the conference was sponsored and underwritten by the Protection Project of Johns Hopkins University, led by Professor Mohamed Mattar and Ms. Anna Koppel, to whom all participants owe special thanks for their generosity and the excellent arrangements provided in Catania. The Eason Weinmann Center for International and Comparative Law at Tulane University and the World Society of Mixed Jurisdiction Jurists also served as co-sponsors of the conference.

The Articles featured in this volume study the subject of gaps and legal creativity from a great variety of standpoints. They examine the methodological challenge in mixed, civilian, and common law systems and attempt to show the different approaches in codified and uncoded systems. The Authors range over the approaches in Italy, France, Germany, South Africa, Louisiana, Scotland, Iran, and Turkey, and other countries as well. The existence of gaps in public law and in constitutional law is not neglected, even its role in criminal law, and several articles probe the transnational sphere by exploring the jurisprudence of the European Court of Justice and the European Court of Human Rights.

Some perennial questions are apparently relevant at all these levels and in all legal systems. How are gaps defined, revealed, or recognized? Is the existence of a gap a precondition for equitable activity? How is the filling of a gap any different than the judge's use of interpretation or analogy or a resort to general principles? Is there an established procedure, a Directory Provision, or a hierarchy of sources to be consulted, or is the process of gap-filling left entirely to the discretion of the judge? These are some of the questions that this issue of the *Forum*, in a rich and rewarding contribution to the literature, attempts to answer.

Vernon Valentine Palmer
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