

Professor Maurizio **Lupoi** (1942), Italian citizen, graduated from the University of Rome *magna cum laude* in the academic year 1963-64. His degree thesis concerned fraudulent breach of contract and was adjudged suitable for publication.

He then went to Oxford where he obtained a research degree by submitting a thesis on Contracts in favour of third parties in Italian and English law.

He passed the Privatdozent national examination in 1969 and began teaching Comparative Law at the University of Perugia.

He was first in the national competition to be appointed full professor of Comparative Law in 1975 and went on teaching in Perugia.

In 1984 he resigned in order to have more time to pursue his historical and comparative law researches, which he carried out at Columbia University, in London (where he served as Visiting Professor at University College), in Paris, in Caen and in Oxford. His book on the origins of the European legal order was published in Italian in 1994 and in English in 2000 (Cambridge University Press, *The Origins of the European Legal Order*).

After publishing his first comparative law book on Trusts in 1997, he was asked to return to teaching and took a position as full professor of Comparative Law at the University of Genova, where he remained until the age of retirement in 2012. Also *Trusts* was translated in English (Cambridge University Press, *Trusts. A Comparative Study*, 2001).

Lupoi maintained that trusts in England originated from European Continental law in the Middle Ages and traced the ancestor of the trust in the *fideicommissum confidentiale* that was to be found in Continental Europe since the first developments that occurred after the Gloss to the Corpus Iuris.

The most complete presentation of this thesis is in "Trust and Confidence", 125 *Law Quarterly Review* 253 (2009).

Most of the material was already in his monograph *I trust nel diritto civile*, in *Trattato di diritto civile*, under the direction of R. Sacco, Turin, 2000 and in some essays, such as *Trusts and Civilian Categories (Problems Spurred by Italian Domestic Trusts)*, in H. Helmholz e R. Zimmermann (curr.), *Itinera Fiduciae*, Berlin, 1998, 495; *The Civil Law Trust*, in 32 *Vanderbilt Law Review* (1999) 967; *The Development of Protected Trust Structures in Italy*, in D. Hayton (ed.), *Extending the Boundaries of Trusts and Similar Ring-Fenced Funds*, The Hague, 2002, 85.

Lupoi is the general editor of the Italian journal *Trusts e attività fiduciarie* and sits on the editorial boards of *Trusts & Trustees* and *Trust Law International*.

Lupoi then proposed a new type of *contract* that would accomplish in purely civil law terms what had become the functions of trusts in the common law. That was accepted by the Republic of San Marino whose Parliament passed a law on "affidamento fiduciario" in 2010, drafted by Lupoi.

M. Lupoi, *The new law of San Marino on the "affidamento fiduciario"*, in 25 *Trust Law International* 51 (2011).

San Marino then established a new specialized Court on trust and fiduciary relationships, that includes seven judges chosen internationally, headed by Lupoi as president of the Court.

The next step was to justify the theory supporting this new type of contract and to explain that it had nothing to do with *fiduziarische Geschäfte* or with Roman law *fiducia cum amico* or *fiducia cum creditore*. That was the purpose of the monograph *Il contratto di affidamento fiduciario*, Milan, 2014, where Lupoi first re-examined all Italian case law on fiduciary agreements historically modelled on *fiduziarische Geschäfte* in order to find out what their basic functions were and then went to explain why a totally new type of contract was required, that he called “contratto di affidamento fiduciario”.

In order to pursue the same purposes as the common law trusts for beneficiaries but strictly applying civil law concepts, quite unusual features were devised. For instance, the action for breach of contract was excluded in favour of other means of protection that did not entail the cancellation of the contract.

Italian Parliament included the “contratto di affidamento fiduciario” among the legal relationships available to protect handicapped persons in a statute passed in 2016 (Law No. 112).

Upon retirement Lupoi obtained the title of Professor Emeritus (which is not granted as a matter of course).

He resides with his wife at 00197 Rome, via Antonio Bertoloni 55. Tel. ++39 06 8070851, mail ml@lupoilex.it