

INTRODUCTION*

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This is the first time that the International Association of Procedural Law has been welcomed to Spain, a country with a great legal tradition and a particularly dynamic procedural school that is admired all over the world.

The association is therefore very grateful to Professor Manuel Ortells Ramos, who has taken on the burdensome task of organiser, which is even more commendable in that he has succeeded in publishing this extraordinary volume in advance.

The general subject of “Oral and written proceedings: efficiency in civil procedure” is a classic and has always given rise to heated debate and different types of regulatory reforms, so much so that at the end of the 19th century, the German doctrine coined the phrase *Mündlichkeitsfanatismus*, with spirited controversy and interventions by proceduralists of the calibre of Adolf Wach.

As an Italian, I cannot fail to mention Giuseppe Chiovenda and Piero Calamandrei’s determined support for orality.

Today, this important topic is enriched with new perspectives, on the one hand, due to the regulatory trends that, in a very broad sense, we can say lead to significant moments of comparison between the procedural codes of *Common Law* and *Civil Law* –it is enough to think of the importance of the procedural agreements in the introductory phase and in the so-called *Case Management* of the English reform of 1998-, and, on the other hand, due to the perspectives of the data transmission process.

A North American scholar, Walter Ong, has written about secondary orality, understood as data transmission, which, in reality, uses writing as a moment of reflection, but takes from orality the immediation, although less socialising than personal contact, that brings, as the French say, "*rapprochement du juge au justiciable*".

The reasons behind the choice of this subject, therefore, seem obvious and in a certain way can be linked to next year’s debate in Toronto (3-5 June, 2009) on "*Neither Common nor Civil: Procedural Reform and the Need for New Categories*".

In Valencia, on the other hand, we can find the only example in Europe, as far as I know, of a very old, completely oral procedure – the Water Tribunal, which is still carried out every Thursday in front of the Apostles’ Door of the Cathedral, on which Professor Víctor Fairén Guillén –one of the founders of our association in 1947- has written a well-known book.

* Translated from Spanish into English by Paul Turner.

Mauro Cappelletti himself, for many years an unforgettable president of the Association, has fought an arduous battle in favour of orality as a factor in procedural efficiency and simplification.

In conclusion, it appears to me that there is more than one reason to consider this symposium in Valencia memorable, thanks to the efforts of the general speakers and the authors of the reports, all of which are truly excellent.