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***“COMMERCIAL LAW FROM A
EUROPEAN PERSPECTIVE:
BETWEEN OVERREGULATION AND DEREGULATION,
MANDATORY RULES AND PRIVATE ORDERING,
HARMONIZATION AND FLEXIBILITY”***

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Can solidarity be imposed on for-profit companies?

Abstract

The essay places for-profit companies within the Italian Constitution, establishing that these companies can be classified as social entities (“formazioni sociali”) and are part of the community-state (“Stato-comunità”). This implies that for-profit companies must (i) contribute to the removal of the obstacles set forth in Article 3, paragraph 2, of the Constitution, and (ii) comply with the duties set forth in Article 2 of the Constitution. However, to require for-profit companies to support the State in promoting social sustainability, a law is needed that introduces this duty, respecting the principle of social utility set forth in Article 41 of the Constitution. The paper proposes a legislative initiative to establish

collaboration between the State and for-profit companies for the social sustainability of the Italian Republic.