

## PREFACE

“Foundations of Italian Public Law” is an ambitious title, corresponding to an ambitious project. As authors, we are fully aware of that. Indeed, it very well captures our aim: to present in a limited number of pages the main aspects (the foundations) of Italian Public Law to domestic and international students. We have in mind not only law students, but also students of economics, political science, and other social sciences, as well as other potential readers at an international level, seeking to learn more about Italian law.

We strongly believe that presenting Italian Public Law in English is not only a matter of language but of method. The subject demands a new approach, departing from the traditional perspective of the Italian legal doctrine.

To address readers unfamiliar with our cultural and historical tradition, requires a new understanding, rather than just a new form of expression. For that reason, we decided to propose a journey through the Italian legal system along two main dimensions: comparative dialogue and historical perspective.

First of all, although the focus of this book is on Italian law, the comparative perspective (within the Western legal tradition) is pervasive. Using English to present Italian institutions and rules implies a continuous comparison. We will wear “comparative” glasses to look at the Italian system. As readers will easily detect, Italy is considered not “the” case-study, but rather “a” case-study, among others. It is an example of a broader legal family, which corresponds to that of post-World War II liberal democracies.

Secondly, we consider it equally essential to introduce an historical perspective, so as to frame existing Italian law within the many events and regimes of Italy’s recent history. This perspective is essential to understand Italy’s present, even more so for international students who lack a comprehensive background in Italian and European history and culture.

For all those reasons, we decided to present only a limited set of topics (again, the foundations...) focusing on the evolution of the form of the State, including rights and freedom, and of the forms of Government, including the sources of law. Therefore, the book is organised in two parts.

The first part deals with the State and its evolutionary patterns. It includes a short introductory chapter on the different conceptions of law and legal system (Chapter I). A chapter on the State and its evolution, from the Middle

Ages to the present time, follows (Chapter II). Chapter III delves into constitutional democracy, and especially the Italian Constitution, its origin, its main features, and its guarantees. The rights and duties, which identify this form of State, are dealt with in Chapter IV. The international perspective on the State, and the transformation of sovereignty after World War II, in the context of international organisations and, in Europe, of the European Union, follows (Chapter V). The evolution of sovereignty at domestic level, related to the decentralization of powers in federal and regional States, is finally presented in Chapter VI.

The second part is dedicated to the form of Government, beginning with a comparative overview of the different forms of Government (Chapter VII). The Italian parliamentary system is addressed in Chapter VIII, presenting the many changes to the political system and electoral law that have taken place especially in the last decades. Chapter IX deals with the main Italian political institutions: Parliament, Government, and the presidency of the Republic. Chapter X presents the guarantors of the Constitution and the rule of law, focusing especially on the judiciary. Finally, Chapter XI presents the sources of law: a complex topic, at the crossroads between the form of the State and the form of Government.

The book builds on our previous experience as authors of a textbook in Italian, published in several editions since 2011. It also benefits from our experience in teaching Italian Public Law in English, both in Italy and at the international level.

We would like to thank the many students and junior scholars working at the University of Florence and the University of Siena who have supported our efforts over several years: Matteo Agostino, Arca Alpan, Stefano Bargiacchi, Edoardo Caterina, Elia Cremona, Giacomo Giorgini Pignatiello, and Bianca Pileggi. We would like to especially mention Professor Valentina Carlino for her constant support and for coordinating the final editing. A special thanks goes to Pietro Massaini, whose contribution, both in terms of general editing and drafting of historical boxes, has been invaluable. We benefited of the wise and thoughtful reading of Richard W. Bauman (Professor Emeritus of Law, University of Alberta). We are extremely grateful to him.

Notwithstanding the assistance we received, as authors we were (and we still are) fully aware of the book's many flaws and its potential for improvement. This second edition benefitted of the comments of students and colleagues. We are especially grateful to professors Claudia Sartoretti and Cristina Napoli, for their comments. In addition to some updates and revisions, in this new edition we include the text of the Italian Constitution, as amended (lately in September 2023). We would like to thank Virgina Lemme, PhD candidate at the University of Siena, for editing the English translation of the Constitution.

We reiterate what we wrote at the end of the first edition of this book: comments will be highly appreciated and welcomed. We would like to thank in advance all the students and colleagues who will provide feedbacks, with the aim of producing an even more suitable third edition.

Tania Groppi  
Andrea Simoncini  
Siena-Firenze, June 23, 2025