

BOOKS AND JOURNALS REVIEW

MONOGRAPHS, COLLECTED BOOKS, HANDBOOKS

*Vinicio Brigante**

Public law, market and competition

C. Franchini, *L'intervento pubblico di contrasto alla povertà* (2021), Naples, Editoriale Scientifica. The text aims to analyse the need to activate administrative power in terms of combating poverty even beyond the concept of welfare state.

E. D'Alterio, *Dietro le quinte di un potere. Pubblica amministrazione e governo dei mezzi finanziari* (2021), Bologna, Il Mulino. This book examines ways in which public administrations not only governs financial means but also affects programmes and policies of general interest.

C. Franchini, *La disciplina pubblica dell'economia tra diritto nazionale, diritto europeo e diritto globale* (2020), Naples, Editoriale Scientifica. The book traces the approach of legislative systems from the perspective of market and its mechanisms.

G. Colombini, M. D'Orsogna, L. Giani, A. Police (eds.), *Infrastrutture di trasporto e sistemi di regolazione e gestione. Coesione, sostenibilità e finanziamenti* (vol. 1-2, 2019), Naples, Editoriale Scientifica. These books, which collect results of a national research project on "Equality in fundamental rights in the crisis of the State and public finances: a proposal for a new model of social cohesion with specific regard to the liberalization and regulation of transport". Individual sectors are examined under various related profiles of competition protection, network governance, national and European funding sources, planning and programming procedures, protection of rights, environmental and financial sustainability.

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Public law and emergencies

S. Staiano (ed.), *Nel ventesimo anno del terzo millennio. Sistemi politici, istituzioni economiche e produzione del diritto al cospetto della pandemia da Covid-19* (2020), Naples, Editoriale Scientifica. The book examines the stability of institutional arrangements when faced with the Covid-19 pandemic, in relation to legal and constitutional contexts, European Union and international law, economic and political relations, with a multidisciplinary approach to the matter.

G. Palmieri, *Oltre la pandemia. Società, salute, economia e regole nell'era post-Covid 19* (vol. 1-2, 2020), Naples, Editoriale Scientifica. The book analyses the post-pandemic perspective from the critical viewpoint of a detailed analysis of the aporias encountered in dealing with the emergency.

L. Giani, M. D'Orsogna, A. Police (eds.), *Dal diritto dell'emergenza al diritto del rischio* (2018), Naples, Editoriale Scientifica. This book deals in a transversal way with different issues related to administrative management of emergencies, focusing on issues of prevention and precautionary principles, public function of risk assessment and several concrete experiences related to recent events.

Public law and technologies

R. Cavallo Perin, D.-U. Galetta, *Il diritto dell'amministrazione pubblica digitale* (2020), Turin, Giappichelli. The text intends to investigate wide range of challenges and issues raised by digitalization, with reference to algorithmic administration, privacy protection, good governance and European perspectives on the issue.

Administrative law

F. Liguori (ed.), *Il problema amministrativo. Aspetti di una trasformazione tentata* (2021), Naples, Editoriale Scientifica. The pandemic has intensified long-standing issues concerning public administration, which is increasingly perceived as an obstacle rather than an ally in decision-making and economic development processes.

A. Ferrari Zumbini, *Alle origini delle leggi sul procedimento amministrativo. Il modello austriaco* (2020), Naples, Editoriale Scientifica. The volume analyzes in detail the genesis and essential characteristics of the so-called "Austrian model" of administrative procedure as outlined in the 1925 law, suggesting the need for a rethinking of its historical-cultural matrix, its dogmatic antecedents and its theoretical-conceptual structure.

G. Iacovone, *Decisioni cautelare amministrative. Principi e regole* (2020), Naples, Editoriale Scientifica. The study aims to examine various aspects concerning the decisions and autonomous and general precautionary power in public administration from the perspective of jurisdiction, self-protection and typical administrative power.

F. Fracchia, M. Occhiena, *Le norme interne: potere, organizzazione e ordinamenti. Spunti per definire un modello teorico-concettuale generale applicabile anche alle reti, ai social e all'intelligenza artificiale* (2020), Naples, Editoriale Scientifica. This book examines how power and internal rules stand the test of imposition in the rule of law of networks, social media and artificial intelligence in order to define an organizational and institutional model that is coherent and respectful of legal principles.

M.A. Sandulli, *Principi e regole dell'azione amministrativa* (3rd ed., 2020), Milan, Giuffrè. The volume explores critical profiles of administrative action and organization, with detailed analysis of provisions and legislative amendments.

C. Cudia (ed.), *L'oggetto del giudizio amministrativo visto dal basso: gli istituti processuali in evoluzione. Atti del secondo colloquio fiorentino di diritto amministrativo* (2020), Turin, Giappichelli. The book analyses various conventional aspects of administrative law processes from a critical perspective, with an analysis aimed at identifying prospects for differentiated protection within administrative litigation.

M. Immordino, C. Celone (eds.), *La responsabilità dirigenziale tra diritto ed economia* (2020), Naples, Editoriale Scientifica. The issue of accountability covers whole of administrative law, from organization to division between politics and administration to judicial remedies.

A. Maltoni (ed.), *I contratti pubblici: la difficile stabilizzazione delle regole e la dinamica degli interessi* (2020), Naples, Editoriale Scientifica. The text addresses the issue of public contracts as a

possible instrument for balancing markets, balancing strict rules and public interests.

G. Rossi, M. Monteduro (eds.), *L'ambiente per lo sviluppo. Profili giuridici ed economici* (2020), Turin, Giappichelli. The environment and sustainability are the unifying features of the text from the perspective of a dynamic analysis between law and economics.

S. Perongini, *L'abuso d'ufficio. Contributo a una interpretazione conforme alla Costituzione* (2020), Turin, Giappichelli. Abuse of public function remains one of the unresolved knots of Italian law, a harbinger of countless critical issues, including defensive administration and interpretative aporias.

M. Calabrò, M.R. Spasiano, G. Mari, F. Gambardella, P. Tanda, A.G. Pietrosanti (eds.), *Fondamenti di diritto per l'architettura e l'ingegneria civile* (2020), Naples, Editoriale Scientifica. The book covers classic topics of public and administrative law, with an appendix of specific focuses on intersections with architecture and engineering.

D. Sorace, L. Ferrara, I. Piazza (eds.), *The Changing Administrative Law of an EU Member State* (2020), Turin, Giappichelli. The book investigates developments, dialectics and prospects of administrative law in a European perspective.

V. Berlingò, *Fatto e giudizio. Parità delle parti e obbligo di chiarificazione nel processo amministrativo* (2020), Naples, Editoriale Scientifica. The text aims to analyse, in specific context of administrative process, effective equality of parties between administrations and citizens, in carrying out single procedural steps.

A. Contieri, M. Immordino, F. Zammartino (eds.), *Le autorità amministrative indipendenti tra garanzia e regolazione* (2020), Naples, Editoriale Scientifica. The book covers Independent Administrative Authorities in their national and European dimensions and the systematic placement of the acts they produce.

F. Liguori, *Liberalizzazione, diritto comune, responsabilità. Tre saggi del cambiamento giuridico* (2nd ed., 2019), Naples, Editoriale Scientifica. The book analyses classic themes of the changing tasks of public administration, with reference to liberalization, private law and liability issues, with reference to recent regulatory changes.

R. Cavallo Perin, G. Colombini, F. Merusi, A. Police, A. Romano, *Attualità e necessità nel pensiero di Santi Romano* (2019), Naples, Editoriale Scientifica. The book traces Santi Romano's thought, in a key linked to the actualization of his thought and an analysis of his works.

L. Giani, M. Immordino, F. Manganaro (eds.), *Temi e questioni di diritto amministrativo* (2019), Naples, Editoriale Scientifica. This volume, which is in collective form, takes up and provides a critical and contemporary analysis of general theoretical themes in administrative law, in order to investigate how the role of administrations and law governing their relations with citizens are changing.

G. della Cananea, *Il nucleo comune dei diritti amministrativi in Europa. Un'introduzione* (2019), Naples, Editoriale Scientifica. The book offers a critical analysis of the theoretical and problematic core of administrative law in Europe, with comparative investigation in a diachronic and synchronic sense.

M. D'Alberti, *Diritto amministrativo comparato. Mutamenti dei sistemi nazionali e contesto globale* (2019), Bologna, Il Mulino. This volume contains a comparative analysis of different national administrative systems and their development over time, including in a supranational context, and reveals a progressive rapprochement between the various systems, fostered by increasing contact and dialogue between judges and scholars from the different countries.

F. Francario (ed.), *Garanzie degli interessi protetti e della legalità dell'azione amministrativa. Saggi sulla giustizia amministrativa* (2019), Naples, Editoriale Scientifica. The book deals with all the most delicate and controversial aspects of administrative justice in a critical and cross-cutting manner.

E. Chiti, *Il diritto di una comunità comunicativa. Un'indagine sul diritto amministrativo della chiesa* (2019), Milan, Giuffrè. The text investigates complex relations between administrative and canonical law, seeking points of synthesis between the two themes.

Public and Constitutional Law

M. Cartabia, N. Lupo, *The Constitution of Italy. A contextual Analysis* (2021), Oxford (UK), Hart Publishing. This book

introduces the reader to the Italian Constitution, which entered into force on 1 January 1948, and examines whether it has successfully managed the political and legal challenges that have occurred since its inception, and fulfilled the three main functions of a Constitution: maintaining a community, protecting the fundamental rights of citizens and ensuring the separation of powers.

G. Colombini (ed.), *La dimensione globale della finanza e della contabilità pubblica* (2020), Naples, Editoriale Scientifica. This book covers public finance, accounting, European rules and their effects, with reference to domestic and European law, the auditing system and role of Italian and European Courts of Auditors, including liability, and judicial remedies.

A. Ferrari Zumbini, *Il diritto pubblico tedesco della seconda metà del XX secolo: sfide e risposte* (2020), Naples, Editoriale Scientifica. The book is the Italian translation of the volume of Rainer Wahl *Herausforderungen und Antworten: Das Öffentliche Recht der letzten fünf Jahrzehnte* (2006), Berlin, De Gruyter.

A. Lucarelli, *Populismi e rappresentanza democratica* (2020), Naples, Editoriale Scientifica. This book investigated populism in relation to a crisis of representation and popular sovereignty, within founding elements of States. Populism, along with modern statehood, developed in absolutist regimes, with an unseen, disenfranchised people, expressing a bottom-up demand for decent human conditions.

G. De Maio, *Fiscalità energetica e cambiamento climatico. Il ruolo del diritto tributario nella società moderna* (2020), Naples, Editoriale Scientifica. This book deals with the theme of the role of tax law, in a renewed look at energy taxation, in view of environmental and climate challenges that require coordination and long-term strategic actions.

E. Carloni, F. Cortese (eds.), *Diritto delle autonomie territoriali* (2020), Padova, Wolters Kluwer. The volume explores a controversial issue of territorial autonomies, which give concrete form to the multi-centred articulation of Italian Republic. Their discipline is a result of underlying trends and constitutional and administrative reforms with sometimes different approaches, which reflect on the ability of territorial organizations to respond to their citizens' needs and interests.

M. Troisi, *Le pronunce che costano. Poteri istruttori della Corte Costituzionale e modulazione delle conseguenze finanziarie delle decisioni* (2020), Naples, Editoriale Scientifica. The topic offers an analysis of the impact of the public expenditure cost of Constitutional Court rulings with a specific focus on the powers of inquiry.

M. De Benedetto, N. Lupo, N. Rangone (eds.), *The crisis of confidence in legislation* (2020), Oxford (UK), Hart Publishing. The text analyses the factors behind the crisis in legislation and the progressive loss of public confidence.

Handbooks

G. Leone, *Elementi di diritto processuale amministrativo* (6th ed., 2021), Padova, Wolters Kluwer. This handbook examines and reviews all classic issues of administrative procedural law, with specific attention to technological innovation in the sphere of administrative jurisdiction. Administrative process does not yet seem to have found its final shape, the handbook takes into account modifications of special procedures.

A. Contieri (ed.) *Approfondimenti di diritto amministrativo* (2021), Naples, Editoriale Scientifica. The book addresses in a problematic and judgmental way the most debated issues in today's administrative law.

G. Clemente di San Luca (A. De Siano, A. De Chiara, G. Martini et al. eds.), *Lezioni di giustizia amministrativa* (5th ed., 2021), Naples, Editoriale Scientifica. The book takes up all the classic themes of the administrative process, as well as various possible rites and procedural consequences.

A. Travi, *Lezioni di giustizia amministrativa* (15th ed., 2021), Turin, Giappichelli. The handbook, in addition to an update imposed by legislative innovations, introduces references to more recent jurisprudential and doctrinal orientations and proposes a review of various institutions and principles, in the light of some important elements that are emerging in the current debate.

A. Simonati (ed.), *Diritto urbanistico e delle opere pubbliche* (4th ed., 2021), Turin, Giappichelli. The handbook covers urban planning and public works in connection with territorial government, construction activity, public works and urban

planning, with analysis of classic topics of administrative and urban law.

R. Dipace, *Manuale dei contratti pubblici* (2021), Turin, Giappichelli. The book addresses the many critical interpretative and dogmatic issues of public contracts in all their phases, with a detailed analysis of relevant and problematic issues.

L. Ferrara, *Lezioni di giustizia amministrativa. Il giudice speciale* (vol. 1, 2021), Turin, Giappichelli. The book examines how the administrative judge is specialized, investigating the historical reasons and organizational premises that led to the current system of administrative jurisdiction.

E. Casetta (F. Fracchia ed.), *Manuale di diritto amministrativo* (22nd ed., 2020), Milan, Giuffrè. The Handbook deals with administrative law, considering both the subjective and objective profile of administrations, and procedural law, with specific focus on general principles of the field, relevant in a complex and constantly evolving regulatory context. There are numerous in-depth studies of most important institutions, marked attention is paid to developments in case law, and there is a constant concern to provide a systematic overview of the subject matter.

F.G. Scoca (ed.), *Giustizia amministrativa* (8th ed., 2020), Turin, Giappichelli. This handbook analyses all topics of administrative court proceedings in a critical manner and with reference to various aspects of substantial administrative law.

A. Barbera, C. Fusaro, *Corso di diritto costituzionale* (5th ed., 2020) Bologna, Il Mulino. The handbook, updated with recent legislative and jurisprudential innovations, starting with the constitutional referendum on the reduction of parliamentarians, illustrates the Italian constitutional order in its entirety.

G. Napolitano, *Introduzione al diritto amministrativo comparato* (2020), Bologna, Il Mulino. The text proposes a study of comparative administrative law between the different legal systems of civil law and common law, defining traits of union and obvious differences.

F.G. Scoca (ed.), *Diritto amministrativo*, (6th ed., 2019), Turin, Giappichelli. The handbook deals with whole range of substantive administrative law issues, with critical analyses and doctrinal and argumentative paths.

G. Clemente di San Luca, R. Savoia, *Elementi di diritto dei beni culturali* (2019), Naples, Editoriale Scientifica. This book

focuses on different issues related to cultural and landscape heritage, analyzing various underlying problems, such as the nature of public power, conservation, protection and enhancement, within the different existing legal regimes.

Celebrative books

A. Carbone (ed.), *L'amministrazione nell'assetto costituzionale dei pubblici poteri. Scritti per Vincenzo Cerulli Irelli* (vol. 1-2, 2021), Turin, Giappichelli.

Vv. Aa. (eds.), *Scritti per Franco Gaetano Scoca* (vol. 1-2-3-4-5, 2020), Naples, Editoriale Scientifica.

Vv. Aa. (eds.), *Scritti in onore di Eugenio Picozza* (vol. 1-2-3, 2020), Naples, Editoriale Scientifica.

Aldo Sandulli, A.M. Sandulli *giurista liberal-democratico. Il giurista, le opere* (2020), Naples, Editoriale Scientifica.

S. Torricelli (ed.), *Ragionando di diritto delle pubbliche amministrazioni. In occasione dell'ottantesimo compleanno di Domenico Sorace* (2020), Naples, Edizioni Scientifiche Italiane.

C. Bertolino, T. Cerruti, M. Orofino, A. Poggi (eds.), *Scritti in onore di Franco Pizzetti* (vol. 1-2, 2020), Naples, Edizioni Scientifiche Italiane.