

ABSTRACTS OF ARTICLES

FRANCO PIZZETTI, *The constitutional changement in Italy between governance and democratic governability of complex systems*

In the period 1996-2001 seven amendements have been made in the Italian Constitution, three of those concerning Title V, Part II, related to "Regions, Provinces, Municipalities".

The new Title V, on the one hand, sanctions the equalization and the separation between central law maker and regional one and binds both of them to comply with the European Community law and with the international obligations; on the other hand, it puts Municipalities, Provinces and "Città Metropolitane" among the constitutive elements of Italian Republic, besides Regions and State, and it assigns the administrative functions first of to the Municipalities.

The constitutional reform outlines a system based on a large articulation and diffusion of decision-making powers, but lacking in adequate coordination elements, which would allow the system itself to work properly.

VITTORIO DI CIOLO, *Rearrangement and consolidation of Italian legislation in the XIII legislature. Preliminary notes*

During XIII Republican Legislature (1996-2001) in Italy several Acts brought to a conclusion the long difficult process which has led to a deep reorganization and consolidation of legislation.

The author deals with the subject, trying to point out what is new and what has been confirmed, compared with the previous situation; the author, moreover, tries to suggest which problems are still unsolved, and therefore which could be solved either with successive authoritative interventions, or by means of accepted practices.

SARA VOLTERRA, *Freedom of expression and "hate speeches" in the pluralist society: U.S. and Canada cases*

The author considers the problem of "hate speech" especially in reference to Canada and U.S. and underlines the reasons leading the respective Supreme Courts to reach diverging results. The problem of "hate speech" in both of these Constitutional systems has spawned a continuing reexamination of the limits and the problems underlying freedom of expression guarantees. The author believes that the positions of scholars such as Fiss and Reed Amar deserve special attention.

Matsuda and Reed Amar should be given greater consideration by the judiciary.

ALESSANDRO TARADEL, *Innovators, reformers, political makers in administrative reforms. Some historical cases*

The author considers some significant experiences of administrative reform in the XIX century: the French reform, the Prussian one, the failed Russian one (dated back to the early XIX century); the Great Britain and the Sardinia Kingdom experiences (in the middle of XIX century) and, lastly, the United States one of 1880.

Three essential roles stand out from the study: the “innovator”, the “reformer” and the “policy-maker”. Sometimes the three roles are combined in the same person, or body (such as in France); more often, the “innovator” and the “reformer” roles coincide. Moreover, the lack of structures of co-ordination and/or the shortage of control on civil servants’ behaviour can bring to a crisis able to trigger off an administrative reform.

The essay, finally, points out the importance of public opinion in the “political launching” of administrative reforms.

VITO BELLINI, *Public management in its historical context*

The author examines the evolution of public management compared with private management in Italy.

In particular, the essay deals with the significance of the so called “ruolo unico”; the division of duties between Government and Administration, and in particular the relationship between Minister and General Directors in each Ministry; the different types of responsibilities, included the management responsibility.

The author hopes that new collective labor agreements concerning public management will represent a mitigation of strict law provisions, in order to reduce the danger of arbitrary dismissals.