

SYMPOSIUM

THE AUSTRIAN CODIFICATION OF ADMINISTRATIVE PROCEDURE: DIFFUSION AND OBLIVION

INTRODUCTION

1. At the crossroads of European civilization: Florence and Vienna

Florence, the city that is universally known for its culture, before and during the Renaissance, the period of the rebirth of the culture of ancient Greek and Rome, was the setting for an event which preceded the celebrations that will take place as of 2025, in Vienna and elsewhere, for the one-hundred anniversary of the codification of administrative procedure in Austria. The event was a book launch. It concerned the book edited by Giacinto della Cananea, Angela Ferrari Zumbini and Otto Pfersmann on that codification that was, if not the first in absolute terms, the most significant of the twentieth century for its reach. The aim was precisely to generate interest not only on the codification itself, but also on the more general issue of the interaction between commonality and diversity in public law.

Both public lawyers and historians of law, as well as many students of the Florence law school assembled for these purposes. Discussions were based on critical issues, including the nature and purposes of judicial review of administration in various institutional settings and the emergence of the movement for administrative procedure legislation, again, in more than one type of constitutional context, including democracies and more or less authoritarian regimes. Why was such a symposium organized with participants of such diverse background and viewpoints? It is axiomatic that administrative law transformed throughout the last century and that its transformation was related to various challenges. The relative importance of such challenges is, however, questionable. What were the characteristics of the Austrian codification of administrative procedure? What were the values underlying the codification, the rule of law or administrative

efficiency? Was the reform only based on national necessities or was it influenced by external factors? To what extent were the potentials of the reform attained? And, last but not least, why did other nations, sooner or later, follow Austria on that path of reform?

The Symposium sought to reappraise and evaluate some basic assumption about administrative and public law, with a view to developing greater concern and awareness of the problems and potentials of this increasingly important field of law.

2. Structure of the Symposium

The following pages report in greater detail some of the concepts, ideas, and conflicting views that were formulated during the Symposium. There will be no attempt to synthesize them here. It will suffice to say that the discussion was opened by Bernardo Sordi, professor of history of law and continued with the views expressed by Leonardo Ferrara, professor of administrative law. Next, two of the editors, Giacinto della Cananea and Angela Ferrari Zumbini (professors of administrative law in Milan and Naples, respectively, and members of the IJPL) responded to the comments previously made. Stefano Mannoni, professor of history of law, too, expressed his views. Neither his views, nor those of other participants, unfortunately, could be translated in time for the publishing of this special issue. But their contribution to the debate is gratefully acknowledged.

3. Acknowledgments

Gratitude is due to the Florence Law School that made the Symposium possible, coherently with its long experience of debate about law and its relationships with other social sciences and with its distinctive tradition of "critical" spirit. The full meaning and significance of the comparative research discussed during the Symposium remains to be seen. The inquiry is open-ended and ongoing. The next steps have been identified. Recommendations for shedding light on new aspects have been formulated.