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Book Review: D. Gallo, R. Mastroianni, F. G. Nicola, L. Cecchetti (eds.), *The Italian Influence on European Law. Judges and Advocates General (1952-2000)*, Oxford, Hart Publishing, 2024, pp. 1-352

Maria Patrin*

1. The book "The Italian Influence on European Law. Judges and Advocates General (1952-2000)" (Hart-Oxford, 2024) edited by D. Gallo, R. Mastroianni, F. G. Nicola and L. Cecchetti retraces the contributions of Italian judges and Advocate Generals (AGs) to the development and shaping of EU law over five decades, narrating their stories and thinking through their biographies. The legacy of the Italian influence in Luxembourg is analysed chronologically around three "generations" of judges and AGs: the 'pioneers', from 1950 to the 1960s; the 'innovators', from the 1960s to the 1980s; and the 'EU constitutionalists', from the 1980s to 2000. The biographies are entrusted to scholars and experts coming from different disciplines and backgrounds yet bound by their personal or professional proximity with – or knowledge of - the Italian members of the Court of Justice. Among the pioneers are Massimo Pilotti (authored by Vera Fritz), Nicola Catalano (by Tommaso Pavone) and Rino Rossi (by Amedeo Arena). The innovators include Alberto Trabucchi (by Ezio Perillo), Riccardo Monaco (by Edoardo Geppi), Francesco Capotorti (by Luigi Daniele), and Giacinto Bosco (by Jacques Ziller). Finally, the generation of the "constitutionalists" comprises Giuseppe Federico Mancini (by Vittorio di Bucci), Giuseppe Tesauro (by Roberto Mastroianni and Massimo Condinanzi), Antonio Mario La Pergola (by Chiara Amalfitano and Filippo Croci) and Antonio Saggio (by Antonio Aresu and Celestina Iannone). The concluding reflections of this journey are provided by

* Marie Curie Fellow, Hertie School, Berlin.

former Advocate General and Judge Antonio Tizzano, whose mandate is not comprised within the book's timespan. In addition to the biographical approach, the book offers an analytical and comparative perspective in part two, which contains reflections and analyses of current judges and Advocates General and leading scholars (Lucia Serena Rossi, Laure Clément-Wilz, Antoine Vauchez, Eleanor Sharpston KC, Siniša Rodin, Michal Bobek, Joseph Weiler).

The book is quite unique in its objectives and content. What makes it an inspiring reading is, indeed, not only its historical and legal accuracy, but more importantly its innovative approach, that aims at keeping together and interrelate different levels of analysis, disciplinary perspectives, and legal developments. In fact, the book is not only about Italian judges and AGs nor about distinct Italian individuals. It is rather a book about a collective endeavour, whereby different profiles and experiences are joint into a common trajectory. It unveils a new approach to the study of EU law that brings together historical and sociological analyses with legal scholarship to unveil the roots and the impact of a legal tradition on the development of EU law. Such approach could be replicated for other countries or institutions. Ultimately, it proposes an innovative way of looking at the role of law in European integration.

This variety reflects in the book's methodology, which draws from many different disciplines and methods: comparative law; contextual and sociological legal analysis; archival research; testimonies; qualitative methods; but also doctrinal analysis. One of the big contributions of the book lies with its eclecticism: by the synergetic mobilisation of so many different methods and approaches, the book tells us that there is not only one way to look at EU law and that by adopting different perspectives the picture can gain in definition and substance. To use the editors' metaphors, it is like the church of *Santa Maria sopra Minerva* in Assisi, a baroque church standing atop a Roman temple, where «the Italian architectural style undergoes evolutions and witnesses stratifications» (Conclusions, p. 294).

2. Through the biographies and contributions of the book, the notion of "Italian influence" – or of "*Italianness*" or "Italian way" as the editors and authors often name it - is dissected over time to identify four

common traits: a specific Italian legal style, a varied yet typical profile of the Italian judges and AGs, their ability to become agents of transfer of European law at home, and their commitment towards effective judicial protection. All these traits are well explained in the Conclusions of the book. In addition to them – or alongside them – the book unearths three main dichotomies that, by their dialectical interplay, nurture the Italian style and the *Italianness*.

The first one is the ability to navigate the boundaries between formality and informality, which emerges as a sort of 'strategy' of the Italian judges and AGs. Not only many of them maintained informal relationships with political actors and developed informal networks of lawyers and academics both in Luxembourg and at home, but the way their *Italianness* operated in the Court was shaped by the respect and promotion of formal codes and structures, while leveraging informal networks and powers. Their formal and informal influence has furthermore marked their ability to act as transfers of EU law in their Member States (see for instance the chapters on Catalano and Trabucchi).

The second dichotomy lies with the synergetic mobilisation of tradition and creativity. The Italian style of legal reasoning relies on scholarly writings and traditional legal formulas, while resorting to creative interpretations of the law. This clearly emerges in the common attempt to advance individual rights through the doctrines of direct effect and effective judicial protection, and the capacity to creatively use the judicial tools at disposal, while embedding them in the tradition. In this sense, as observed by President Robert Lecourt in Perillo's chapter, Trabucchi's knowledge of Roman law was at the basis of some of the most revolutionary judgments (see chapter on Trabucchi).

The last dichotomy is the relationship between academic and political engagement. As highlighted by the editors, one of the common traits of the different profiles described is their proximity to both academia and politics. The book points to a predominance of legal academics on the Court's bench and shows how the academic commitment of former judges and AGs continued beyond their appointment at the Court, as most of them remained influencing scholars upon their return at home. Moreover, many of them were affiliated or had links with major political parties. Some had worked for the Italian

government or for ministries (Catalano, Rossi, Monaco, Tesauro); others were actively connected to a political party (Bosco, Mancini and La Pergola). Almost all of them combined academic and political proximity in different ways. Unveiling the relationship between the Court, academia and the political context represents an important contribution to the vast literature on the relationship between law and politics (see chapter by Vauchez)[1]. More broadly, by retracing individual paths towards a collective shaping of the legal environment the book points to the entrenched role of law in society. We all know in abstract that there are people behind the law, yet by looking at the biographies and trajectories of the book, we understand how the law is part of the society and vice-versa, how it is embedded in social structures, and this beyond the Italian context only.

3. As a way of conclusion, I would like to highlight three challenges inspired by the book, which can open fruitful paths for future research.

The first one is methodological. I have already praised the eclectic and interdisciplinary approach of the book. Yet such methodological choice also presents challenges in terms of coherence and coordination. The book does a remarkable job in bringing together the different threads intertwined by the scholars and experts involved in the project, thereby offering a model of multi-disciplinary work. However, it is not always easy to make sure that disciplines truly speak to each other and are not only juxtaposed. I believe that this is one of the big challenges any scholar has to face when engaging in valuable interdisciplinary research.

The second issue is one of narrative. Every story has its dark sides. The book intentionally avoids telling a story of Italian "heroes". It integrates internal criticism, such as Bobek's reflections questioning the possibility of measuring the Italian influence in the history of the Court (chapter by Bobek). Also, some of the contributions reveal conflictual relationships, such as in the case of Trabucchi and Rossi (chapter on Rossi by Arena), or controversial backgrounds (chapters on Pilotti and

[1] M. CAPPELLETTI, M. SECCOMBE, J.H.H. WEILER (eds.), *Integration Through Law: Europe and the.American Federal Experience,* Berlin-New York, 1986. A VAUCHEZ, *The Transnational Politics of Judicialization. Van Gend en Loos and the Making of EU Polity*, in *ELJ,* n. 16 2016 p.1 ff.; T. PAVONE, *The Ghostwriters: Lawyers and the Politics Behind the Judicial Construction of Europe,* Cambridge, 2022.

Rossi). However, the book predominantly tends to trace a line of progress and continuity in the Italian influence in the Court. Where are the points of tensions and resistance? Is this a story of a teleological advancement or is it rather one of contingency and diversified paths? It would be interesting to shed some light on paths not taken and alternative solutions, highlighting the situations where things could have gone otherwise.

Finally, such impression of linear advancement is probably due to one of the traits of the Italian influence, namely the fact that there seems to be an *Italianness* in pushing towards increasing legal integration. The Italian influence appears to be tied to a pro-integrationist agenda (what Vauchez, in his chapter, calls the brokering role in the defence of European legal integration). Yet, considering the growing challenges to EU legal and political integration, the question that arises is: what about today? Is this process stopping? Or should it stop? Weiler in the Epilogue argues that the Court would do well to abandon the *credo* that more integration is always better than less integration. According to him, this is based on a misconception of a federal court as a centralised court, whereas the Court should instead act as a federal court in the sense of protecting the prerogatives of the Member States' legal orders. Is the "Italian way" up to that challenge?