

[Home](#) » [Archive](#) » Order Without Law In The Experience Of Italian Cities

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ORDER WITHOUT LAW IN THE EXPERIENCE OF ITALIAN CITIES

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A significant number of cases show that cities are increasingly called upon to resolve potential or effective social conflicts through the recourse to informal law tools. Generally speaking, the law scholars are led to neglect the importance of them on the grounds that they are assumed to be irrelevant to law. This paper tries to show that another approach should be undertaken. Taking the hint of different real cases, the author envisages some different models where the municipal authorities resolve social conflicts stepping paths falling outside the scope of formal and traditional legality. The thesis is that these models are not extraneous to law, but they outline an "informal public law" coexisting with the positive and formal law in a more or less problematic way. However, if the "informal public law" is able to attain some public objectives more effectively, it also arouses a lot of challenges with particular reference to the principle of equality. At the end, though, the "informal public law" allows to rediscover another feature of cities: they are not only a creature of the States, but also a creature of the community.

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