

A TRULY MONUMENTAL AND PERMANENT WORK

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We shall try today to honour Sabino Cassese, a man,

- whose publications are so numerous that only the 140-page print-out of titles reaches almost the extent of a solid dissertation of its own;
- whose doctoral caps (Pisa, Aix-en-Provence, Cordoba, Paris II, Castilla-La Mancha, Athens, Macerata, European University Institute Florence) could fill a whole cupboard;
- who as a Professor, member of many ministerial Committees, Member of the Italian Government and as Vice-President and Judge at the *Corte Costituzionale*, has administered and still does administer so many official functions that one could think, we are faced with three different persons.

Nonetheless, it is only *one* person that stays behind all these achievements: Sabino Cassese. In the circle of the members of the European Group of Public Law, being himself one of the founding fathers, I address him as “our” Sabino Cassese.

Trying today to honour him, this task can only be accomplished faced with the huge amount of subjects he has worked on, if we proceed in a precise, concentrated and structured way. Precision, concentration and clear structures - those are exactly the qualities, which also characterise the thinking and acting of Cassese and which justify the great recognition he enjoys both at home and abroad.

I focus on *administrative law*: Administrative law in all its facets (both in its general principles and its separate sectors) is the centre of his *opus magnum*. We ask ourselves: Which are the determining factors of administrative law, as Cassese has developed it in many of his works? I consider three dimensions as the key aspects: a historical dimension (1), a comparative dimension (2) and an integrative dimension (3).

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(1) *Historical Dimension*: One cannot fully understand contemporary law without knowing its historical background. Our administrative law is the product of the modern sovereign state, the efficiency and coherence of which it should serve. We owe it to Cassese, having repeatedly reminded us of this relation: History of administrative law as a history of ideas and as a real history of political institutions. The dependence from the evolution of the modern state carries with it, that administrative law in the European states follows different concepts. Cassese never becomes tired of emphasising older common traditions and one feels that his sympathy belongs to them - for example, when he writes: "Between the 16th and the 18th century legal scholars and practitioners set out from '*mores Europae*', from a '*praxis totius Europae*', a '*communis interpretatio*' and a '*communis opinio totius orbis*'".

(2) *Comparative Dimension*: Someone who works in such a historical way, as Cassese does, is automatically induced to comparative working. His comparative analysis *La construction du droit administratif: France et Royaume-Uni* (published in 2000 in Paris) has become soon one of the classics in comparative literature. Other contributions include a comparative analysis also with regard to Italy, Germany, Poland, Spain and the United States. We admire the abundance of the detailed knowledge and the sharp analytical view. Cassese is the ideal Visiting Professor: Berkeley, London, Stanford, Oxford, Paris, Nantes, Washington, New York - to mention only some. He is the ideal Member in international advisory committees and publishers' boards. Let me quote Armin von Bogdandy: "There is no other European scholar that could speak comparatively with similar authority on public law" as Cassese. It is, therefore, consequent that Cassese is Co-Editor in the representative handbook *Ius Publicum Europaeum* of the volumes dedicated to administrative law.

(3) *Integrative Dimension*: For Cassese, administrative law is not a "hermetic block" ("*ensemble hermétique*") of norms. It stands more in a constant exchange with political science, on the one hand and administrative practice, on the other. The great work conceived by him and entitled *Trattato di diritto amministrativo*, which is comprised of 7 volumes and unites about 90 contributors (mostly younger scholars), shows how fruitful this exchange can be. Both relationships are two sides of the same coin. It is about the reality of the administration, it is about questions of political power and the effectiveness of the law. The exchange between reality and law has got to take place in a methodically reflected way; but it *must* take place, if law wants to become effective. Cassese is too much a *homo*

politicus to underestimate this dimension that integrates issues of real power. His numerous public functions are a proof of this. But, he stays always confident as an academic towards practice. It would not occur to him to restrict the role of the science of administrative law only to the comment of the decisions of the administrative courts. His main concern is to stress again and again the distinct claim of legal scholarship towards legal practice. "Administrative law science is a joint task of judges and scholars", he mentions in one of his most recent publications. Here lie also the sources of the great engagement with which Cassese occupies himself with the *reform of the administration and of the administrative law*. The discussions held systematically today in Italy, Germany, France and Spain on "Administrative Law Reform", can be seen as supported through him.

Someone who works historically and comparatively, someone with a high sensitivity of real power relations and with vision, inevitably comes to the issues of a Global Administrative Law. Cassese's interest in this topic goes back to the beginning of the 1980's. His close friendship with Richard B. Stewart in the U.S. brought about in the 1990's the breakthrough. A massive research programme has been carried out since. Further challenging questions on the accountability and democracy of worldwide acting administrative structures come to the fore and appear as a worthwhile task for the future. Today, NYU and the Viterbo conferences are the two foci of the ellipse that encompasses the GAL. Especially young scholars have here the opportunity to present their research, and they report enthusiastically on their encounters with Sabino Cassese.

Altogether: Great academic personalities are not alone to be identified in their work, but also in their personal charm. That is exactly the case with respect to students and young scholars. For an impressive number of students that hold today themselves prominent chairs, Sabino Cassese has opened the way into the academic world, has accompanied them, has taught them the standards of scientific quality and the importance of Public Law. His creativity, his analytical skills, his vision, his noble art of conversation make discussion with him a stimulating event. The discussion partner - whether young or old - feels that he really is a partner, with whom something is being discussed and developed mutually. Yes, he does feel more: he feels how much Cassese cares about the public good (*salus publica*) of the state, of Europe and the World. These are virtues that we know from the time of ancient Rome, the *virtutes romanae*.

Thus, I conclude with a verse of a poet of the classical Roman epoch, with a verse of Quintus Horatius Flaccus, in which, regarding Sabino Cassese and his work, I only have to add one single letter: "*Exegi(t)*"

monumentum aere perennius". He has created a truly monumental and permanent work - and he will continue to do so.