UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Integrazione Sovranazionale e Identità Nazionali

1920-5-A5810250

Learning objectives

The European Union is facing new challenges within itself.

The emergence of nationalist and populist movements, the exaltation of sovereignty and the national dimensions are the representation of a common approach that questions the process of integration. The localist and secessionist pressures within some States, the denial of the rule of law and the common heritage of principles connected to it, are the manifestations of the current pathology of the EU institutions which affects the concept of European citizenship.

Each of the issues mentioned, at the heart of the process of European Union integration and public debate within the member countries will be deepened through a study conducted according to an interdisciplinary method that combines doctrinal, legal and political analysis, in addition to the study of institutions, their main provisions, the jurisprudence of the Court of Justice and the European Court of Human Rights, also through the support of an indispensable historical approach.

The ultimate aim is to deeply analyze the European instruments and strategies to face this contemporary issue.

Contents

1. The general framework of Supranational integration and national identities;

2. The sovereignty concept in the constitutionalism's history;

3. The idea of nation between political thought and constitutional law;

4. Sovereignty and Nation in the contemporary constitutions of the European states;

5. History of the European integration's process;

6. Community method" and intergovernmental method;

7. The principle of subsidiarity in the European and in the national law;

8. The general framework of Sub-nationals territorial Autonomies within European union;

9. The Poland case: breach of the rule of law and the activating of art. 7 TEU by the EU Commission;

10. The Hungarian case: breach of the rule of law and the activating of art. 7 TEU by the EU Parliament;

11. Brexit and EU institutions;

12. The Catalan and Scotland issues;

13. The political approach by EU Institutions and the jurisdictional approach by the ECJ;

14. The role of international and conventional institutions (Council of Europe, Venice Commission and European Court of Human Rights)

Detailed program

The course consists of 42 contact hours (21 lessons) focusing on one of the most challenging issue at stake for European integration, i.e. the supranational integration bearing in mind the different trends on the issue across the Europe.

In order to address some highly debated issues – from nationals, European and ECHR perspective - the course has been designed to cover three main topics:

Part 1: Sovereignty and Nation such as an idea between historical approach and constitutional law;

Part 2: European integration and national identities;

Part 3: National sovereignism and supranational policies of the European Union.

Part 1:

Sovereignty and Nation such as an idea between historical approach and constitutional law

Supranational integration and national identities: the general framework

- The historical reasons of supranational integration in Europe

- Nation and democracy after World War II

The sovereignty in the constitutionalism's history

- The sovereignty as a fundamental topic of national State

- The sovereignty in liberal thought and State

- The sovereignty in Authoritarian State

The idea of nation between political thought and constitutional law

- The idea of a nation between Enlightenment and Romanticism

- National identity in Italian political thought

- The idea of nation in the nineteenth and in the Twentieth century Constitutions

- The idea of nation in European political thought

Part 2:

European integration and national identities

"Sovereignty" and "Nation" in the contemporary constitutions of the European states

- Popular sovereignty in contemporary democratic Constitutions

- Constitutional limits to popular sovereignty

- The constitutional discipline of the nation in contemporary democratic Constitutions

- The internationalist inspiration in contemporary democratic Constitutions

History of the European integration's process

- The Ventotene Manifesto

- From the CED to the European Communities

- History of the European Community up to Maastricht

- The European Union and the Euro

"Community' method" and "intergovernmental method"

- Structure and functions of the European institutions

- Decision-making procedures of the European institutions

- European institutions and national governments

The principle of subsidiarity in the European and in the national law

- Subsidiarity principle and constitutionalism

- Subsidiarity principle and European law

- Subsidiarity in the ECJ case law

Sub-nationals territorial Autonomies: General Frameworks

- Federalism and territorial autonomies

- Independentism and devolution processes

Part 3:

National sovereignism and supranational policies of the European Union

The Poland case: breach of the rule of law and the activating of art. 7 TEU by the EU Commission

- Poland and European Union

- Political address e Rule of law

The Hungarian case: breach of the rule of law and the activating of art. 7 TEU by the EU Parliament

- Hungary e European Union

- Political address and Rule of law

- The media role in political propaganda

Brexit and EU institutions

- UK and EU

- The Brexit issues: a general framework

The Catalan and Scotland issues

- Spain and Catalonia

- The Scottish Question in UK Devolution

The political approach by EU Institutions and the jurisdictional approach by the ECJ

- Holistic and preventive intervention versus sectorial and subsequent intervention

- Hypothesis of reform

The role of international and conventional institutions

- Venice Commission and the other international agencies

- ECHR and the ECrtHR case law

Prerequisites

Basic knowledge of Italian Constitutional Law, Comparative Public Law as well as European Union Law.

Teaching methods

The main feature that characterize the 42-hour teaching module is the innovative multidisciplinary approach: lectures and discussions will be held by Italian and foreign experts comprising of jurists, comparative lawyers, political, economists, experts in the history of law, representatives of public and private Institutions.

Assessment methods

Type of exam for all students (attending and not attending): Oral exam

Textbooks and Reading Materials

Reference texts for attending students only:

The preparation of the exam presupposes a solid knowledge of the contents of the lessons (the result of assiduous participation in the same), in addition to the study of the materials provided during the lectures (reports, documents, readings, sentences and case law)

Reference texts for not attending students:

The preparation of the exam presupposes the study of the material (reports, documents, reading, sentences and case law) available on the e-learning.