



UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Diritto Pubblico Comparato

2021-4-A5810133

Learning objectives

First of all, the course aims to provide the student with a general framework of comparatistics as a method of study, as well as a broader and more detailed analysis of the main western constitutional system, with an eye always on current events.

Contents

The Comparative Public Law studies birth and evolution of modern constitutions beginning from English, American and French Revolutions. The foundations of the matter of teaching are the ideals of the occidental constitutionalism, as a system of ideas and institutions aiming at a system of government of law adverse to a government by men, based on the principle of separation of powers. So that the program will study different models of States, rights and guarantees of citizens in regard of public authority and the introduction of the model of State more diffused in the countries with a liberal-democratic juridical civilization: parliamentary, presidential, half-presidential, directorial, hybrid forms, etc. Judicial review in European and American countries. European constitutional courts. Constitutions which will be studied carefully are those of Great Britain, United States, Spain, France, Germany and Switzerland. All of them will be compared with the Italian Constitution.

Detailed program

Program for attending students only

The lesson plans are divided into three parts. The first part will discuss some crucial steps in the evolution of historical forms of democratic and liberal state. The second will be studied in comparative perspective, the constitutions of some states are particularly significant. The third part will focus on the major theories of liberal constitutionalism, through the study of fundamental texts of some classic authors, such as, among others, Locke,

Montesquieu, Constant, Tocqueville.

Program for not attending students

For not attending students the exam program, in addition to assuming a valid knowledge of the Italian constitutional order, consists in the study of all the topics covered in the volumes referred to as textbooks.

Prerequisites

Knowledge of Italian constitutional law.

Teaching methods

During the Covid-19 emergency period, lessons will take place remotely and asynchronously so that they can be downloaded by students. In addition, to further facilitate the participation and understanding of the students, on a regular basis - indicatively once every two or three weeks - collective meetings will be organized remotely in synchronous mode within which discussions will be held with the Teacher and may be asked questions, questions, questions and any insights on the topics of the course.

Assessment methods

Type of exam for all students:

Oral exam.

Oral exam and until further notice through Webex

Operating Instructions:

For organizational reasons and to facilitate the management of the exams it **is essential that you register within 5 days from the closing of the appeal** (regardless of the formal closing date of the appeal) and that you proceed to cancel the registration if you decide not to participate.

It is also necessary to register for the exam through Segreteria online and also to register for the e-learning platform 2020/21 even if you have enrolled in platforms from previous years and have not yet taken the exam or have never been registered on any platform. Failure to register or to the segreteriaonline or to the 20-21 e-learning platform prevents the exam from taking place. Off-course students can contact esamigiuris@unimib.it for any doubts.

The technical prescriptions for participation in the exam (useful links, possible subdivisions in parallel commissions or distribution over several days, unavoidable given the modalities of the exams remotely) will be communicated directly by the teacher via e-mail sent or by segreteriaonline or by Moodle.

Textbooks and Reading Materials

Reference texts for attending students only

In addition to a valid knowledge of the Italian constitutional system and a solid knowledge of the content of the lessons (on this point, refer to the "teaching methods" section), the preparation of the exam requires the study of the following volumes:

- Tommaso Edoardo Frosini (a cura di), *Diritto pubblico comparato. Le democrazie stabilizzate*, il Mulino, Bologna, 2019.
- F. Furlan, S. Gianello, M. Iacometti, C. Martinelli, G. Vigevari, M. P. Viviani, *Costituzioni comparate*, Giappichelli, Torino, Quarta edizione, 2017.

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and then the following book, only to read:

- Claudio Martinelli, *Le radici del costituzionalismo. Idee, istituzioni e trasformazioni dal Medioevo alle rivoluzioni del XVIII secolo*, Giappichelli, Torino, Seconda edizione, 2016.
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