UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Compared Public Law

2122-4-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 non-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

Lectures

Assessment methods

Oral exam

Textbooks and Reading Materials

Reference texts for attending students only

The preparation of the exam presupposes, in addition to a valid knowledge of the Italian constitutional order and a solid knowledge of the contents of the lessons (the result of assiduous participation in the same), 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. VIGEVANI, 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.