UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Italian Constitutional Law and Economics

2223-3-E1601N101

Learning objectives

The course aims to provide students with the basic notions and methodological tools to understand the basic features of the economic constitution, the main theories relating to state intervention in economic matters, as well as, most recently, the practical arrangements for implementation of constitutional principles, in particular in the framework of the decentralized organization of the Italian public system, as well as in the comparative field. It is conceived for students of non legal faculty.

Contents

The course focuses on the theme of the relationship between the state system and the economy through a multidisciplinary approach and according to different points of view: the transition from the liberal state to the social democratic one and the different way of conceiving state interventionism in economic matters from a national and comparative point of view; the analysis of the main economic theories; from the idea of minimum state with the protection of liberty rights to the guarantee of social rights and the principle of substantive equality; the role of the European Union, in particular on the issues of competition and the public debt conteinment; regional decentralization and "fiscal federalism"; the distribution of competences between the State and the Regions and the principle of subsidiarity; the implementation of the principles of differentiated regionalism.

Detailed program

In the first part the course will focus on the following issues:

_ The history of economic thought.

_ The transition from the liberal state model to the social democratic one ... up to the present day.

_ The economic matter within the constitutional processes of the second half of the twentieth century from a comparative point of view.

_ The European conditionality, the Next Generation EU and the Recovery Plan

In the second part the course will examine:

_ Economic relations in the Italian Constitution (the right to work, the protection of property, economic initiative and its limits, etc.)

_ The role of the state in promoting social rights, competition, privatization, the principle of horizontal subsidiarity.

_ The limits and control of public spending (art. 81 of the Constitution) and the relationship with the European Union.

Finally, in the third part, the following will be addressed:

_ The distribution of competences between the State and the Regions in the economic sphere (Article 117 of the Constitution)

_ The c.d. fiscal federalism (Article 119 of the Constitution)

_ The differentiated regionalism (Article 116 of the Constitution)

Prerequisites

Knowledge of Italian constitutional law

Teaching methods

Lectures

Assessment methods

Oral exam

For attending students, the oral exam will be aimed at verifying learning of the topics covered in class and the content of the reference texts and materials provided by the teacher.

For non-attending students, the oral exam will be aimed at verifying learning of the content of the reference texts.

Textbooks and Reading Materials

ATTENDING STUDENTS:

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) and uploaded on the e-learning website.

NON ATTENDING STUDENTS:

For not attending students the exam program consists in the study of the following books:

Q. CAMERLENGO, *Costituzione, economia, società*, Cacucci editore, Bari, 2017

S. CASSESE, *La nuova costituzione economica*, Laterza, Bari-Roma, 2021 (only Cap. IX *Il controllo della finanza pubblica*, pp. 356-388)

F. CLEMENTI, L. CUOCOLO, F. ROSA, G.E. VIGEVANI, *La Costituzione italiana. Commento articolo per articolo*, Voll. I e II, Il Mulino, Bologna, 2021, (only artt. 41, 42, 43, 47, 81, 116, 117, 118, 119)

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS