UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Compared Public Law

2526-4-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.

- Knowledge and understanding skills The course aims to provide - from a historical and comparative perspective - specific and in-depth knowledge regarding the main constitutional systems of stable democracies.
- Applied knowledge and understanding skills The interdisciplinary approach of the course and the analysis of the issues in their various dimensions aim to enable the student to acquire a critical awareness in order to master the complexity of problems related to constitutional systems.
- Autonomy of judgment The course intends to provide the student with a critical awareness useful for understanding the origins and developments of the legal profiles concerning constitutional systems.
- Communication skills Students will acquire an adequate mastery of legal and political terminology, as well as the ability to communicate the knowledge gained.
- At the end of the course, the student will be able to integrate the knowledge acquired in other courses in the historical and legal field.

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

During the exam, the ability to present and linguistic proficiency, the understanding and application of legal and political concepts, and independent judgment will be assessed.

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.

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

The qualification of "attending" or "non-attending" is left to the free will of the students, to be communicated to the teacher at the time of the 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*, Seconda edizione, il Mulino, Bologna, 2022.

F. FURLAN, S. GIANELLO, M. IACOMETTI, C. MARTINELLI, G. VIGEVANI, M. P. VIVIANI, *Costituzioni comparate*, Giappichelli, Torino, Quinta edizione, 2022.

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As well as in the only reading of the volume:

CLAUDIO MARTINELLI, *Il Parlamento europeo. Simbolo o motore dell'Unione?*, il Mulino, Bologna, 2024.

Sustainable Development Goals

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