

Master's Degree in Law
Constitutional Law II
Academic Year 2021/2022, I Semester, 6 university credits

Docent: **Prof. Luigi Ventura**

Information about the course	Constitutional law II, 6 CFU, academic year 2021-2022, I semester, IV year of course, Master's Degree in Law – Hours of lessons 42 Disciplinary-scientific area IUS/08
Information about the Docent	Docent: Prof. Luigi Ventura Department of Law, Economics and Sociology e-mail: ventura@unicz.it <u>Student Reception</u> : every Friday at 11:00 at the Research Center “ <i>Constitutional Law and political Institutions</i> ”, Building of the Legal-Economic Area and Social Sciences, 4th level. Further dates will be communicated on the University website.
Course description	The course is divided into lectures of frontal teaching, for a total of 6 hours per week, divided into three days. The following program will be addressed.
Course aims and expected learning outcomes	The course aims to deepen, in a critical key, a selection of issues related to political unity and the system of guarantees, as well as the transformations that have met the form of government. In particular, a reconstruction will be carried out, at the historical and cultural level, of the founding pact of the republican order, as well as of the system of guarantees that tend to safeguard the unity of the system, starting with the Head of State, guarantor institution and symbol of the National Unit. The system of constitutional guarantees will also be deepened through the analysis of the forms of resistance in the institutional arrangements and the extreme assumptions of transgression, committed by the same representative of national unity, with specific reference to its ethical basis, which finds its legal translation in the duty of fidelity to the Republic referred to in art. 54 Cost. Further attention will be given to the role of the other guarantor of the constitutional legality, the Constitutional Court, with the analysis of the persuasive argumentation of the relevant rulings, a figure that marks its identity with respect to the role of the political steering bodies, whose acts do not require a statement of reasons or for which it is never actually used. The second part of the course will examine the transformations of the form of government, with the analysis of the inter-institutional dynamics, which lead to the flight of power from any form of responsibility, the ethical crisis of institutional political actors and the decline in the preceptive force of legal rules towards dominant political practices, a phenomenon revealing the deep crisis, at least in the Italian experience, of modern constitutionalism and democratic culture. At the end of the course the student should have an accurate knowledge of the selection of topics proposed and be able to base it on further critical reflections. For non-attending students a different textbook and a different program are planned, with the object of deepening general theory topics related to the system of guarantees, with specific regard to the State, to rights and to constitutional duties.
Program (contents, methods of execution)	Attending students (recommended text: L. Ventura, <i>Frammenti costituzionali e disordine politico</i> , Giappichelli – Torino 2015.)
Possible distinction	<u>PART 1</u> . Policy Unit and Constitutional Guarantee System. CHAPTER I – Unification

<p>between programs of attending and non-attending students</p>	<p>and National Unity. CHAPTER II – The Representative of National Unit. CHAPTER III – Forms of resistance in institutional devices. CHAPTER IV – Constitutional sanctions and indictments against President of Republic. CHAPTER V – Commentary on art. 54 Cost. CHAPTER VI – The reasoning behind the decisions of the Constitutional Court in its judgments on laws. CHAPTER VII – Motivate the laws?</p> <p><u>PART 2.</u> CHAPTER VIII – Politics and administration. Government as a fragmented management of the existing. Loss of ethical value of politics. The multiplication of seats of government and the concealment of power. CHAPTER IX – Order and organization of Government. CHAPTER X – The crisis of government between constitutional rules and "regularity" of politics.</p> <p><u>Non-attending students</u> (recommended text: P. Caretti, <i>I diritti fondamentali. Libertà e diritti sociali</i>, Giappichelli – Torino, latest edition) The historical perspective: theoretical reconstructions and protection models; fundamental rights in the Italian constitutional experience: from the Albertino Statute to the Republican Constitution; fundamental rights in the Italian Constitution: general framework; the interpretation of art. 2 of the Constitution; the principle of equality; personal freedom; freedom of residence and freedom of movement and residence; freedom and secrecy of correspondence; the freedom of expression of thought; collective freedoms (articles 17, 18, 39, 49 of the Constitution); social rights; political rights; duties political, economic and social solidarity.</p>
<p>Estimate of the time commitment required for individual study</p>	<p>Without prejudice to the University didactic regulations and the subjectivity of the study methods of each student, it is estimated, by default, a study commitment of 250 hours.</p>
<p>Teaching methods used</p>	<p>Lessons of frontal teaching, in-depth exercises, seminars, also held by external teachers.</p>
<p>Learning resources (suggested textbooks, any further readings recommended for further study, other teaching material)</p>	<p>Recommended texts: For <u>attending students</u>: L. VENTURA, <i>Frammenti costituzionali e disordine politico</i>, Giappichelli – Torino 2015. Further in-depth readings will be indicated by the docent during the course. The study must be constantly accompanied by consultation and analysis of the Constitution and the fundamental laws indicated by the teacher.</p> <p>For <u>non-attending students</u>: P. CARETTI, <i>I diritti fondamentali. Libertà e diritti sociali</i>, Giappichelli – Torino, ultima edizione.</p>
<p>Support activities</p>	<p>Further study paths can be agreed with students.</p>
<p>Attendance modes</p>	<p>Attendance of the course is optional.</p>
<p>Evaluation methods</p>	<p>Oral examination. In order to pass the exam, the student must demonstrate to know sufficiently the program in its entirety and to be able to express it in a satisfactory language on a syntactic and technical level. The total or partial lack of these basic elements will entail the negative evaluation of the test and therefore the student's unsuitability to pass the exam. Once the presence of these minimum requirements has been established, the</p>

evaluation of the student, aimed at identifying the final grade (from 18 to 30) will be carried out using the following parameters shown in schematic form:

Vote	Knowledge and understanding of the subject	Skills of analysis and synthesis	Use of references
Unsuitable	Important deficiencies. Significant inaccuracies	Irrelevant. Frequent generalizations. Inability to synthesize	Completely inappropriate
18-20	At threshold level. Obvious imperfections	Barely sufficient capacity	As soon as appropriate
21-23	Routine knowledge	The student is capable of correct analysis and synthesis and argues logically and coherently	The student uses the standard references
24-26	Good knowledge	The student has good analytical and synthesis skills. Arguments are expressed consistently	The student uses the standard references
27-29	More than good knowledge	The student has considerable analytical and synthesis skills	The student has deepened the arguments
30-30L	Excellent knowledge	The student has excellent analytical and synthesis skills	Important insights