

Master's Degree in Law
Constitutional Law II
Academic Year 2024-2025, I Semester, 6 ECTS credits

Prof. Luigi Ventura

Information about the course	Constitutional law II, 6 ECTS credits, academic year 2024-2025, I semester, IV year of course, Master's Degree in Law – Hours of lessons 42 Disciplinary-scientific area GIUR-05/A Language of the course: Italian
Professor Information	Prof. Luigi Ventura - Department of Law, Economics and Sociology e-mail: ventura@unicz.it - <u>Student Reception</u> : on appointment by e-mail in advance.
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.
Program (contents, methods of execution) Possible distinction between programs of attending and non-attending students	(recommended text: L. Ventura, <i>Frammenti costituzionali e disordine politico</i> , Giappichelli – Torino 2015.) <u>PART 1.</u> Policy Unit and Constitutional Guarantee System. CHAPTER I – Unification 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

	<p>laws?</p> <p><u>PART 2. CHAPTER VIII</u> – 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. <u>CHAPTER IX</u> – Order and organization of Government. <u>CHAPTER X</u> – The crisis of government between constitutional rules and "regularity" of politics.</p>																
Estimate of the time commitment required for individual study	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.																
Teaching methods used	Lessons of frontal teaching, in-depth exercises, seminars, also held by external teachers.																
Learning resources (suggested textbooks, any further readings recommended for further study, other teaching material)	<p>Recommended texts: L. VENTURA, <i>Frammenti costituzionali e disordine politico</i>, Giappichelli – Torino 2015.</p> <p>Further in-depth readings will be indicated by professor 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>																
Support activities	Further study paths can be agreed with students.																
Attendance modes	Attendance of the course is optional.																
Evaluation methods	<p>Oral examination.</p> <p>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.</p> <p>Once the presence of these minimum requirements has been established, the 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:</p> <table border="1" data-bbox="445 1391 1437 2069"> <thead> <tr> <th>Vote</th> <th>Knowledge and understanding of the subject</th> <th>Skills of analysis and synthesis</th> <th>Use of references</th> </tr> </thead> <tbody> <tr> <td>Unsuitable</td> <td>Important deficiencies. Significant inaccuracies</td> <td>Irrelevant. Frequent generalizations. Inability to synthesize</td> <td>Completely inappropriate</td> </tr> <tr> <td>18-20</td> <td>At threshold level. Obvious imperfections</td> <td>Barely sufficient capacity</td> <td>As soon as appropriate</td> </tr> <tr> <td>21-23</td> <td>Routine knowledge</td> <td>The student is capable of correct analysis and synthesis and argues logically and coherently</td> <td>The student uses the standard references</td> </tr> </tbody> </table>	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
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		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	