



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza		
ACADEMIC YEAR	2019/2020		
MASTER'S DEGREE (MSC)	LAW		
INTEGRATED COURSE	CONSTITUTIONAL LAW - INTEGRATED COURSE		
CODE	02432		
MODULES	Yes		
NUMBER OF MODULES	2		
SCIENTIFIC SECTOR(S)	IUS/08		
HEAD PROFESSOR(S)	LORELLO LAURA	Professore Ordinario	Univ. di PALERMO
OTHER PROFESSOR(S)	CAVASINO ELISA	Professore Ordinario	Univ. di PALERMO
	BUCALO MARIA ESMERALDA	Professore Associato	Univ. di PALERMO
CREDITS	12		
PROPAEDEUTICAL SUBJECTS			
MUTUALIZATION			
YEAR	1		
TERM (SEMESTER)	Annual		
ATTENDANCE	Not mandatory		
EVALUATION	Out of 30		
TEACHER OFFICE HOURS	<p>BUCALO MARIA ESMERALDA Friday 09:00 11:00 Dipartimento di Giurisprudenza - via Maqueda, 172 - piano II - stanza n. 59, previa necessaria prenotazione.</p> <p>CAVASINO ELISA Wednesday 09:00 12:00 Dipartimento di giurisprudenza, Via Maqueda, 172 - Il pianocorridoioa destra salendo dalle scale. Si prega di prenotare il ricevimento attraverso il portale studenti o inviando una e-mail ad elisa.cavasino@unipa.it</p> <p>LORELLO LAURA Thursday 8:30 11:00 Dipartimento di Giurisprudenza, via Maqueda, 172, secondo piano, stanza n. 10.English spoken here! Foreign Students are welcome! Friday 8:30 11:00 Dipartimento di Giurisprudenza, via Maqueda, 172, secondo piano, stanza n. 10.English spoken here! Foreign Students are welcome!</p>		

PREREQUISITES	Presentation and Analysis Skills: Basic level. Adequate knowledge of modern and contemporary history as well as of fundamental legal concepts
LEARNING OUTCOMES	<p>Knowledge and Understanding</p> <p>Knowledge and understanding of the structure and functioning of the Italian constitutional legal order with special attention to its actual dynamics and its functioning within the European geopolitical context. Ability to make connection between the different topics of the course.</p> <p>Applying Knowledge and Understanding</p> <p>Ability to use and implement legal knowledge focusing on the position of individuals within the constitutional legal order and the European geopolitical and legal order.</p> <p>Making Judgements</p> <p>Evaluate and analyze on the basis of acquired legal knowledge structural and dynamics characters of the functioning of the constitutional legal order in its relations with the European integration process.</p> <p>Communication</p> <p>Consciously and clearly express acquired knowledge, acquiring logic and understandable technique of expression of legal topics using proper legal terminology.</p> <p>Lifelong Learning Skills</p> <p>Acquiring the ability to develop new learning skills, useful to consolidate comprehension and usage of legal knowledge and to learn new aspects related to the evolution and changes of the normative framework. In particular, it will be of the utmost importance the use of logic and technologic tools and of doctrine, legislation and case-law. This aims at helping each student in the acquisition of skills helpful in deepening the analysis and understanding of legal social topics and at preparing the student for a post-graduate learning pattern.</p>
ASSESSMENT METHODS	<p>The required knowledge and skills will be ascertained during the examination process. In particular, it will be assessed if the candidate reaches the learning targets.</p> <p>The examination process comprehends written and oral examinations. The written one is not mandatory but it is highly recommended and is scheduled during mid-term course program, the oral and final one is scheduled at the end of the term.</p> <p>The written examination aims at verifying the possession of the required knowledge and skills. Written questions submitted during the exam will be clearly drafted and requires the candidate to manage independently their resolution. The structure of the proof will be like to help comparison. The written examination will be a comprehensive set of open-ended questions. Questions will be drafted as to help in comparing results with the evaluation grid here attached.</p> <p>The result of the written examination will be taken into account in scoring the final result of the examination process but will not preclude in any way the admission to the oral examination.</p> <p>The oral examination will be an interview of a minimum of three questions on the topics described in the course programme. The evaluation of the oral examination will be made on the basis of the grid here attached.</p> <p>The final evaluation of each candidate will take into account both the results of the written and oral examination and grades on a scale between 18 and 30 cum laude.</p> <p>Evaluation grid</p> <ul style="list-style-type: none"> - Excellent 30 -30 cum laude: good knowledge of the topics, excellent property language, excellent capacity of analysis ; the student is 'able to apply theoretical knowledge to real cases which are proposed to be analyzed. He/she is also able to properly argue possible solution, including multiple alternatives - Very good 26-29: good knowledge of the topics, good properties 'of language, good capacity' analytical; the student is 'able to apply theoretical knowledge to real cases which are proposed to be analyzed. The student is able to adequately apply theoretical knowledge to real cases which are proposed to be analyzed - Good 24-25: Basic knowledge of the main topics, good property of language, the student shows limited ability' to apply theoretical knowledge to real cases which are proposed to be analyzed - Satisfactory 21-23: the student does not show that complete command of the main teaching topics, although showing to know the basic knowledges; he/she shows satisfactory property of language albeit with a poor ability' to adequately apply theoretical knowledge to real cases which are proposed to be analyzed - Sufficient 18-20: minimal knowledge of the main teaching and technical language issues, limited capacity to adequately apply theoretical knowledge to real cases which are proposed to be analyzed - Insufficient outcome: the student does not have an acceptable knowledge of the contents of the various scheduled topics.
TEACHING METHODS	Lezioni, esercitazioni in aula, seminari

MODULE CONSTITUTIONAL LAW - MODULE I

Prof.ssa ELISA CAVASINO

SUGGESTED BIBLIOGRAPHY

Lo studio della disciplina puo' avvenire utilizzando un manuale di diritto costituzionale aggiornato. In particolare si consiglia: - R. Bin- G. Pitruzzella, Diritto costituzionale, edizione piu' recente, Giappichelli, Torino
A scelta, lo studente approfondira' una parte del programma attraverso uno dei seguenti testi:
Guido Calabresi, Philip Bobbit, Scelte tragiche, Milano, Giuffre, 2006.
Cass R. Sunstein, A cosa servono le Costituzioni. Dissenso politico e democrazia deliberativa, Bologna, Il Mulino, 2009.
Cass R. Sunstein, #Republic. La democrazia nell'epoca dei social media, Bologna, Il Mulino, 2017.
Jeremy Waldron, Principio di maggioranza e dignita' della legislazione, Milano, Giuffre, 2001.

AMBIT	20001-Costituzionalistico
INDIVIDUAL STUDY (Hrs)	102
COURSE ACTIVITY (Hrs)	48

EDUCATIONAL OBJECTIVES OF THE MODULE

To provide the student with the knowledge and skills necessary to understand the size and forms of manifestation political power, the transformations of the state and its possible articulation in different forms.
To provide the student with the knowledge and skills necessary to identify limits to the exercise of sovereign powers, with specific reference to respect for the freedoms and dignity of the human person, both as an individual and in social formations.
To equip the student with the knowledge and skills necessary to understand the dynamics and functioning of contemporary political systems, with specific reference to the Italian constitutional system.
To equip the student with the knowledge and skills needed to understand the main training procedures taking into account their relationships (chronological, hierarchical, speciality and competence).
To equip the student with the knowledge and skills to understand the ability to interpret a text deducing its meaning from a systematic perspective, both internal, European and international.
To equip the student of the knowledge and skills necessary to understand to assess the conformity of acts and behaviors constitutional principles and to understand and classify the decisions taken by the constitutional court in the exercise of its different functions.

SYLLABUS

Hrs	Frontal teaching
48	Concepts of general public law. The legal order. The Constitution and the problem of its interpretation. Fundamental rights and freedoms: structure, interpretation, guarantees, rights and freedoms, political regimes and public budget constraints: political regime and the problem of its effectiveness. The State. Political regimes. Electoral systems. International law, European Union law and constitutional order (interactions, sources of law). The sources of law in general. Sources of Law within the Italian legal order. The sources of laws between State and territorial autonomies.
Hrs	Others

16	<p>Histories of Italy, held by dr. Giacomo Di Girolamo</p> <p>Cycle of 8 meetings from two hours, to be held from October to December every 15 days, on Friday afternoon, at the Polo didactic Trapani.</p> <p>Each meeting provides a path that addresses important episodes of the recent history of Italy (indicatively, from the massacre of Piazza Fontana to today), linking them with books and readings recommended.</p> <p>The aim is to give students a historical and contemporary dimension in which to frame the study of law, and a reference bibliography to enrich their cultural background.</p> <p>First meeting Introduction: wonder and attention, the feeling of time. Because memory is important.</p> <p>Second meeting Sisters of Italy: the bombs that have marked our history. From 1969 to 1992 the great massacres marked the history of our country. Of some we do not know executors or sponsors, of others, like Piazza Fontana, there is even a sentence of the Cassation that states that you can never have the truth. In two hours we will make a brief counter-story of Italy seen through this disastrous grammar of the narration of our country.</p> <p>Third meeting The media. From radio to television, to the explosion of social media. How the media changed the collective imagination and sometimes even the history of the country. From the Radio dei Poveri cristi by Danilo Dolci, to the experiences of Radio aut and Radio Alice. The live coverage of the tragedy of Alfredino Rampi and the discovery of TV by the Italians. The use, and the abuse of social networks, the case of Tiziana Cantone.</p> <p>Fourth meeting of the group. It's just our stuff. What is the Mafia? How has it changed in recent years? The struggle against Cosa nostra represents a specific part of the history of Sicily and d'Italia. This meeting serves not only to make a brief review on organized crime, but also to see how key episodes have been told in journalism and literature. Still: how does the Mafia change today? And what are the limits of the movement "antimafia"?</p> <p>Fifth meeting of the group. To disobey is a virtue. Don milani, Franca Viola, eluana englaro, Franco basaglia, Dj Fabo Are just some names associated with great battles for rights. Small and big gestures of disobedience of those who said: I would prefer not.</p> <p>Sixth meeting of the group. Based on the job. Italy is a Republic founded on work, reads the most famous article of the Constitution. How the theme of work influenced literature in the post-war period, from Italo Calvino to Primo Levi, from Luciano bianciardi and "cultural work to contemporary writers. And then, the conquests and tragedies of the workers, in the story of literature, from the movements of Reggio Calabria to the burning of the Thyssen of Turin.</p> <p>Seventh meeting Arrivals and departures". We are a people of emigrants. We were so yesterday, we are still suspended on a double thread: young people leave and go abroad to seek luck, thousands of desperate people arrive in Italy from even poorer countries. There is a thread that unites all these stories. And again it is the thread of memory, which starts from Ellis Island and goes up to the Pier Favaro.</p> <p>Eighth meeting The island is irredeemable. From the gattopardo in Montalbano, how does the story of Sicily change? Are we really still "l'isola irredimibile" by Leonardo Sciascia?</p>
20	<p>In addition, issues and problems arising from the constitutional jurisprudence on "The budget as a public good" will be discussed, with particular reference to the judgments of the Constitutional Court. 10 of 2015, 10 of 2016; 275 of 2016; 196 of 2018, 18 of 2019, 138 of 2019; 146 of 2019 and others that will be indicated to lecture.</p>

**MODULE
CONSTITUTIONAL LAW - MODULE II**

Prof.ssa MARIA ESMERALDA BUCALO

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- R. Bin- G. Pitruzzella, Diritto costituzionale, edizione più recente, Giappichelli, Torino

Si ricorda che per lo studio del diritto costituzionale è necessario avere conoscenza dei contenuti della Costituzione, delle leggi costituzionali e delle principali leggi di diritto pubblico. A tale scopo si consiglia la consultazione di un codice di diritto costituzionale aggiornato.

Tra i tanti si consiglia:

- M. Bassani. G. Bottino, M. Della Torre, V. Italia, G. Ruggeri, A. Zucchetti, Leggi fondamentali del diritto pubblico e costituzionale. Giuffrè, Milano, edizione più recente

AMBIT	20001-Costituzionalistico
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Applying Knowledge and Understanding

Ability to use and implement legal knowledge focusing on the position of individuals within the constitutional legal order and the European geopolitical and legal order.

Making Judgements

Evaluate and analyze on the basis of acquired legal knowledge structural and dynamics characters of the functioning of the constitutional legal order in its relations with the European integration process.

Communication

Consciously and clearly express acquired knowledge, acquiring logic and understandable technique of expression of legal topics using proper legal terminology.

SYLLABUS

Hrs	Frontal teaching
24	The State and its fundamental elements. Political regimes. Electoral systems. The European Union. The Constitution. The Italian Constitution. The interpretation of the constitution
24	Sources of law. The Italian System of the sources of law. The System of the Sources of law of the territorial Autonomies. EU legal order, sources of law and its relations with the Italian legal order