HISTORY AND TECHNIQUES OF CONTEMPORARY CONSTITUTIONS AND CODIFICATIONS

Professor: Davide ROSSI
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Classes coming up: 2nd semester
CFU: 6; 40 hours

Course contents:

The Course, for a total of 40 hours, aims to provide a complete overview of the developments of the last two centuries of Legal History, through the prospective of the Modern State focused on the Rule of Law. The constitutionalism and the value – and role – of the Constitution, the key role played by the civil codification among the sources of law, the development of the complex civil and criminal law procedures, the special characters of commercial law, criminal law and the protection of public order, the ambiguity of administrative justice, the international and comparative law perspective are all pillars of the Modern State. As such, they shall lie at the core of the cultural background of any Law student. Yet, these notions can be fully understood only through an historical perspective, deeply rooted in the two Revolutions placed at the end XVIII century. This Course has the ambition of going back to and assessing the historical roots of the legal models that build the stage for the Contemporary Western culture.

Readings:

Non-attending students:

P. ALVAZZI DEL FRATE, M. CAVINA, R. FERRANTE, N. SARTI, S. SOLIMANO, G. SPECIALE, E. TAVILLA, *Tempi del diritto. Età medievale, moderna e contemporanea,* Torino, Giappichelli, 2022, limited to chapters V, VI, VII, VIII, IX;
This text must be accompanied by a second one of students' choice, according to their propensities:
A) Civil Path:
R. FERRANTE, *Un secolo sì legislativo. La genesi del modello otto-novecentesco di codificazione e la cultura giuridica*, Torino, Giappichelli, 2015 (or latest edition available);
B) Public Path:
M. FIORAVANTI, *Appunti di storia delle costituzioni moderne. Le libertà fondamentali,* Torino, Giappichelli, latest edition available.

Attending students:

In addition to the class notes, statutory law texts and scholarly writings, both in paper form and in e-format, will be made available by the teaching staff to attending students either during classes or will be posted on the *Course* web page at http://moodle2.units.it.

Course features:

After the first introductory and methodological classes, Course will be divided in didactic unities, each one devoted to different fields of law: 1. Methodology of the codification and primacy of the Civil Code; 2. Constitutionalism; 3. Criminal law and war criminal law; 4. The emergence of administrative law and procedure; 5. The social question and the origin of labor law; 6. International law doctrines and succession between States.

In some classes specialized teaching staff or experts from the practice (both Italian and foreigners) may be involved, in an attempt to broaden the debate and the training legal education provided to students.

Attending students will be divided into working groups and classes will have a dialogic and participatory perspective.

The modalities of control of Course attendance and other practical information will be provided during the first classes.

Exam features:

The examination will consist of an oral test.

For those who qualify as attending students only, a pre-exam will be organized at the end of classes, before the regular exam period.

Students who need to complete their "educational debts" acquiring a small number of credits pertaining to this Course are invited to contact the teaching staff who will assign them a reduced program and a set of readings, according to the circumstances of each case. In any case, those missing credits are to be integrated into the Curriculum all at once, at the time of the oral exam.

Office hours:

It is possible to meet the teaching staff either during the office hours listed on the web page of the Course, or before and after the teaching hours, or by appointment made by e-mail (drossi@units.it).