

CONTENTS

	<i>page</i>
<i>Preface</i>	XIII

PART I FORM OF STATE

CHAPTER I WHAT IS LAW

1. What is Law? A Persistent Question	3
2. Social vs Legal Norms	4
3. Natural vs Positive Law	5

CHAPTER II THE STATE AND ITS DEVELOPMENTS

1. What is the State?	9
2. The Core of the State: Sovereignty	10
3. Forms of State vs Forms of Government	11
4. When and How the Modern State Was Established?	11
5. The Absolute State	13
6. The Liberal State: Definition	14
7. The Liberal State: Three Pillars	16
8. The Contradictions of the Liberal State	19
9. The Collapse of the Liberal State in Europe	21
10. Totalitarian and Authoritarian Regimes	22
11. The Rise and Success of the Democratic-Pluralistic State in the 20 th Century	23
12. The Democratic Retrogression in the 21 st Century	27

CHAPTER III

CONSTITUTIONAL DEMOCRACY IN ITALY

1.	The Supremacy of the Constitution and Its Guarantees	31
2.	The Constituent Power	32
3.	The Constituent Power in Italy	33
4.	Mechanisms to Guarantee the Supremacy of the Constitution in Italy	36
5.	The Amending Process (Constitutional Revision)	37
6.	Constitutional Adjudication (Constitutional Justice)	40
7.	The Rise of Constitutional Adjudication in History	41
8.	Models of Constitutional Adjudication	42
9.	Constitutional Justice in Italy	43
10.	The Evolution of the Italian Model of Constitutional Justice	47
11.	The Contribution of the Constitutional Court to the Development of Italian Constitutional Democracy	49

CHAPTER IV

RIGHTS AND DUTIES

1.	Rights and Freedoms in the Contemporary State	53
2.	Rights and Freedoms in the Italian Constitution: The Fundamental Principles	55
3.	The Constitutional Catalogue of Rights	57
4.	Limitation of Rights	59
5.	The Rights in Emergency Situations	60
6.	Constitutional Duties	61
7.	Citizens and Foreigners. Citizenship: Definition	62
8.	Citizens and Foreigners. Criteria for the Acquisition of Citizenship in Comparative Law	63
9.	Citizens and Foreigners. The Regulation of Citizenship in Italy	64
10.	Citizens and Foreigners. Evolutionary Profiles of Citizenship	66

CHAPTER V

SOVEREIGNTY AND ITS DEVELOPMENTS

1.	The Concept of the Sovereignty of the State in History	69
2.	The International Legal System	71
3.	The European Union	75

CHAPTER VI FEDERALISM AND REGIONALISM

1. The Word “Federalism”: Origin and Success	85
2. The Federal State: Definition and Features	86
3. The Federalizing Process: Federalism by Association and Federalism by Devolution	88
4. From Dual Federalism to Cooperative Federalism	89
5. The Regional State: Definition and Origin	91
6. The Main Features of the Regional State	92
7. The Regional State in the 1948 Italian Constitution	93
8. The Evolution of the Italian Regionalism	95

PART II FORM OF GOVERNMENT

CHAPTER VII FORMS OF GOVERNMENT

1. Definitions and History. The Constitutional Monarchy in the Liberal State	101
2. The Parliamentary Form of Government	103
3. The Presidential Form of Government	105
4. The Semi-Presidential Form of Government	107
5. The Directorial Form of Government	109
6. The Prime Ministerial Form of Government	110
7. Electoral Systems and Forms of Government	111

CHAPTER VIII THE ITALIAN FORM OF GOVERNMENT

1. The Origins: from the Kingdom of Italy to Fascism	113
2. The Parliamentary Form of Government in the Constitution	114
3. 1948-1994: “First Republic”?	115
4. After 1994: “Second Republic”?	117
5. The Electoral Law no. 165/2017 and Recent Political Developments in Italy	119

CHAPTER IX THE POLITICAL INSTITUTIONS OF REPRESENTATIVE DEMOCRACY IN ITALY

1. Background. The Political Institutions	127
2. The Parliament	127
3. Organization of the Chambers	130
4. Functions of the Parliament	132
5. The Government	135
6. Formation and Accountability of the Government	137
7. The President of the Republic	141
8. The Accountability of the President of the Republic and the Countersignature	145

CHAPTER X THE JUDICIARY

1. Premise: The Guarantors of the Constitution and the Rule of Law	149
2. Judges in Common Law and in Civil Law Traditions	150
3. Constitutional Principles on Judiciary	152
4. Structure of the Italian Judiciary	155
5. The Judiciary in the Contemporary State	157

CHAPTER XI THE SOURCES OF LAW

1. General Features of the Sources of Law	159
2. International and European Sources: Introduction	163
3. International Sources of Law	164
4. European Sources of Law	166
5. Domestic Sources of Law	168
6. Acts of the Government Having Force of Law	172
7. Abrogative Referendum	176
8. Secondary Sources of Law. Executive Regulations	177

ANNEX

The Constitution of the Italian Republic	181
--	-----

GRAPHS AND MAPS

Graph 1.	Percentage of the Population Entitled to Vote in Italy	20
Graph 2.	The Activity of the Italian Constitutional Court in 2024	47
Map 1.	European Union Member States	81
Graph 3.	Subnational Government Expenditure, in U.S. Dollars (Billions)	93
Map 2.	Regions in Italy	94
Graph 4.	GDP per Inhabitant on a Regional Basis, in Euros	97
Graph 5.	Pyramid of Domestic Sources	161
Graph 6.	Legislative Initiative into XVII Legislature (2013-2018)	170
Graph 7.	Laws Approved into XVII Legislature (2013-2018) Based on the Type of Initiative	170

TABLES

1.	Institutional referendum, 2 nd of June 1946. Results	33
2.	Constituent Assembly Election, 2 nd of June 1946. Results	33
3.	Population in Italy (Italians and Foreigners)	67
4.	Main European Union Treaties	79
5.	Enlargements of the European Union	79
6.	Institutions of the European Union	82
7.	Legislatures and Governments in Italy	122
8.	Presidents of the Republic in Italy	143