CONTENTS

		pag.
Prej	face	XIII
	PART I FORM OF STATE	
	CHAPTER I WHAT IS LAW	
1. 2. 3.	What is Law? A Persistent Question Social vs Legal Norms Natural vs Positive Law	3 4 5
	CHAPTER II THE STATE AND ITS DEVELOPMENTS	
1. 2. 3. 4. 5. 6. 7. 8. 9. 10.	What is the State? The Core of the State: Sovereignty Forms of State vs Forms of Government When and How the Modern State Was Established? The Absolute State The Liberal State: Definition The Liberal State: Three Pillars The Contradictions of the Liberal State The Collapse of the Liberal State in Europe Totalitarian and Authoritarian Regimes The Rise and Success of the Democratic-Pluralistic State in the 20 th	9 10 11 11 13 14 16 19 21 22
12	Century The Democratic Retrogression in the 21st Century	23 27

		pag.
	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	27
5	Italy The Amending Process (Constitutional Posicion)	36
5. 6.	The Amending Process (Constitutional Revision) Constitutional Adjudication (Constitutional Justice)	37 40
6. 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	(2
0	in Comparative Law	63
9. 10.	Citizens and Foreigners. The Regulation of Citizenship in Italy Citizens and Foreigners. Evolutionary Profiles of Citizenship	64 66
10.	Chizens and Foreigners. Evolutionary Fromes of Chizenship	00
	CHAPTER V	
	SOVEREIGNTY AND ITS DEVELOPMENTS	
1.	The Concept of the Sovereignty of the State in History	69
2.	The International Legal System	70
3.	The European Union	75

Contents	IX

		pag.
	CHAPTER VI FEDERALISM AND REGIONALISM	
1. 2. 3. 4. 5. 6. 7. 8.	The Word "Federalism": Origin and Success The Federal State: Definition and Features The Federalizing Process: Federalism by Association and Federalism by Devolution From Dual Federalism to Cooperative Federalism The Regional State: Definition and Origin The Main Features of the Regional State The Regional State in the 1948 Italian Constitution The Evolution of Italian Regionalism	85 86 88 89 91 92 93 95
	PART II FORM OF GOVERNMENT	
	CHAPTER VII FORMS OF GOVERNMENT	
1. 2. 3. 4. 5. 6. 7.	Definitions and History. The Constitutional Monarchy in the Liberal State The Parliamentary Form of Government The Presidential Form of Government The Semi-Presidential Form of Government The Directorial Form of Government The Prime Ministerial Form of Government Electoral Systems and Forms of Government	101 103 105 107 109 110 111
	CHAPTER VIII THE ITALIAN FORM OF GOVERNMENT	
1. 2. 3. 4. 5.	The Origins: from the Kingdom of Italy to Fascism The Parliamentary Form of Government in the Constitution 1948-1994: "First Republic"? After 1994: "Second Republic"? The Electoral Law n. 165/2017 and Recent Political Developments in Italy	113 114 115 117

		pag.
	CHAPTER IX	
	THE POLITICAL INSTITUTIONS	
	OF REPRESENTATIVE DEMOCRACY IN ITALY	
1. 2. 3. 4.	Background. The Political Institutions The Parliament Organization of the Chambers Functions of the Parliament	127 127 130 132
٦. 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. 2. 3. 4. 5.	Premise: The Guarantors of the Constitution and the Rule of Law Judges in Common Law and in Civil Law Traditions Constitutional Principles on the Judiciary Structure of the Italian Judiciary The Judiciary in the Contemporary State	149 150 152 155 157
	CHAPTER XI	
	THE SOURCES OF LAW	
1. 2. 3. 4. 5. 6. 7.	General Features of the System of Sources of Law International and European Sources: Introduction International Sources of Law European Sources of Law Domestic Sources of Law Acts of the Government Having Force of the Law Abrogative Referendum Secondary Sources of Law. Executive Regulations	159 163 164 166 168 172 176

o	371
Contonts	X I
Contents	

			pag.
		GRAPHS AND MAPS	
	ph 1.	Percentage of the Population Entitled to Vote in Italy	20
-	ph 2.	The Activity of the Italian Constitutional Court in 2022	47
Map		European Union Member States	80
Graj	ph 3.	Subnational Government Expenditure in the World, in US Dollars (Billions)	93
Мар	2	Regions in Italy	94
Graph 4.		GDP per Inhabitant on a Regional Basis in Italy, in Euros	97
	oh 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.	Institu	tional Referendum, 2nd of June 1946, Results	33
2.			
3.	,		
4.		European Union Treaties	78 79
5.			
6. 7.		tions of the European Union atures and Governments in Italy	81 122
8.		ents of the Republic in Italy	143