# Theory of the state

## Prof. Filippo Pizzolato; Prof. Vincenzo Satta

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course will provide students with a deep understanding of the general categories of States and the legal concepts that underlie positive constitutional systems.

The reflection on the legal construction of a historical datum will, also through relying on political and philosophical thought, introduce students to the reality of a State and its constant and necessary elements as well as give them an understanding of current developments. In particular, special attention will be dedicated to examining the tensions and transformations that States are subject to in the contemporary context, characterised by a particular relationship between society (and market) and State (and political institutions).

At the end of the course students will have acquired the knowledge of the general categories of the state phenomenon, as well as the basic concepts of general public law. They will also be able to identify the features of the different types of state, starting from an analysis of historical data. Thanks to the knowledge gained, students will be able to evaluate the effects and the repercussions of theoretical models on the current condition of contemporary legal systems, in particular, the Italian one.

***COURSE CONTENT***

module 1: *Prof. Filippo Pizzolato*

*Categories of statehood*

1. The State as a modern phenomenon. Origin and features of the modern State.

2. Sovereignty, population, and territory.

3. State and law: positive law and natural law.

4. The trajectories of the "juridification" of sovereignty

5. The novelty of the Italian Constitution with respect to the categories of modern statehood

module 2: *Prof. Vincenzo Satta*

1. The State form: concept. Interrelation between State forms and government forms in the analysis of historical data.
2. I modelli di Stato tra evoluzione storica, analisi teorica e dogmatica giuridica.
3. Gli ordinamenti medievali e lo Stato assoluto. Stato liberale, Stato totalitario, Stato sociale, Stato costituzionale.
4. Democracy and Constitution.
5. Decentralization and autonomy. The compound State: regionalism and federalism.

***READING LIST***

*For all students:*

A. Mattioni, *Sovranità*, in *Digesto delle Discipline Pubblicistiche*. Update \*\*\*\*\*, Utet Giuridica, Torino 2012, pp. 655-740.

N. Bobbio, *Giusnaturalismo e positivismo giuridico*, Laterza, Roma/Bari, last edition (or reprint) available.

*For the 8 ECTS exam, in addition to the previous bibliography, students will have to study:*

F. Pizzolato, *Sussidiarietà e riqualificazione dello spazio pubblico,* in *Labsus Papers* (29), 2009, Paper n. 15 (scaricabile da [*www.labsus.org*](http://www.labsus.org)).

*including two textbooks freely chosen from the following:*

1. K. Hesse, *La forza normativa della costituzione*, P. Costa, Herrenhaus (Eds.), Seregno, 2008.

2. R. Carré de Malberg, *Della Sovranità,* a cura di E. Di Carpegna Brivio, Herrenhaus, Seregno, 2009.

3. O. von Bülow-Ph. Zorn, *Legge e giurisdizione,* a cura di A. Sandri e F. Cortese, Herrenhaus, Seregno, 2012.

4. G. Burdeau, *La sopravvivenza della nozione di Costituzione*, E. Di Carpegna Brivio (Eds.), Herrenhaus, Seregno, 2013.

5. M. Hauriou, *Il diritto naturale e la Germania*, P. Costa (Eds.), Herrenhaus, Seregno, 2018.

6. G. Dossetti, *Democrazia sostanziale*, A. Michieli (Eds.), Zikkaron, Marzabotto, 2017.

***TEACHING METHOD***

Frontal lectures, including seminars; the lectures can be combined with practical exercises.

***ASSESSMENT METHOD AND CRITERIA***

Assessment will be by means of an oral examination aimed to verify understanding of the topics examined during the course. The final mark is the average mark of the answers to three different questions. If possible, interim written tests on the topics covered during lectures may be proposed along with some practical exercises. In this case, the assessment will result from the sum of the test outcomes relating to the topics covered in the first and second module.

***NOTES AND PREREQUISITES***

There are no prerequisites concerning the Doctrine of State for attending the course.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.