



La Corte costituzionale (Studi e ricerche) (Italian Edition)

Patrizia Pederzoli

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Un'istituzione non elettiva può sbarrare la strada a maggioranze politiche legittimate dall'investitura popolare? Potere di veto contro potere di voto: questo, in estrema sintesi, l'apparente paradosso che caratterizza le corti costituzionali. D'altra parte, se le democrazie accettano dei "cani da guardia" per proteggere il proprio patto fondante, devono poi mettere in conto l'eventualità di essere "morse" da quegli stessi guardiani. È su questo sfondo che il volume si propone di stabilire fino a che punto il ruolo della Corte costituzionale italiana sia veramente sottratto al principio maggioritario, se sia propenso all'attivismo o alla moderazione, assertivo o incline alla deferenza verso il legislatore. Nonostante la particolare complessità della materia – l'arco temporale in esame attraversa buona parte della storia repubblicana; la mole delle decisioni prodotte copre l'intera gamma delle politiche pubbliche; le competenze della corte vanno dal giudizio sulle leggi ai conflitti tra poteri dello stato; i processi di decisione si svolgono nel segreto della camera di consiglio – emerge da questo studio il nitido profilo di un'istituzione cardine della Repubblica.

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