



Stato Costituzionale (Piccole Conferenze) (Italian Edition)

Mauro Barberis

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È ormai diffusa l'idea che, dopo gli anni difficili dello Stato legislativo e della democrazia parlamentare, siamo entrati – noi europei, noi occidentali, forse addirittura noi umani – nell'età dello Stato o della democrazia costituzionali. Vi sono peraltro differenze fra questa e le tante retoriche dell'inaudito che affollano la comunicazione contemporanea. Intanto, è vero che, dopo il Secolo breve, nessuno crede più allo Stato o alla democrazia senz'altra qualifica: e la qualifica 'costituzionale' è forse la meno enfatica e la più realistica fra le tante a disposizione. Poi, è anche vero che la cultura costituzionalistica delle regole, dei controlli e dei limiti rappresenta una delle ideologie meno usurate fra quelle influenti sulla classe politica e fra gli operatori del diritto. Infine, si tratta d'idea ormai condivisa anche internazionalmente: una sorta di senso comune minimo per le élite del mondo globalizzato. Questo lavoro esamina appunto le implicazioni giuridiche, politiche ed etiche dell'idea di Stato costituzionale: il neocostituzionalismo, che si candida a teoria del diritto più adeguata al costituzionalismo globale; la democrazia costituzionale, come superamento più che completamento della democrazia parlamentare; il pluralismo dei valori, come metaetica più idonea ad arbitrare il conflitto fra valori, principi e diritti costituzionali

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