

The Role of Government, Government Policy and Italian Law Faculties (1999-2009)

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Since 1999, a general university reform, which was introduced by government policy, deeply modified the previous system. Before, and since the first half of the past century, there was a Long-Cycle Law Degree course lasting 4 years. During these four years students had to pass 21/26 exams in different branches of law: private law, constitutional law, economics, roman legal history, medieval and modern legal history, criminal law, procedure law (civil lawsuit and criminal proceedings), international law, civil law (particularly contracts and wills), administrative law, and many, but not too many, optional courses such as comparative law. Little space was dedicated to law practice: students' education was aimed above all at furnishing a theoretical training not necessarily professional. Professional education was reserved to post graduate courses and professional practising in a lawyer's or notary's office. The students were not stimulated to learn foreign languages because generally they were not taught in Law Faculties and also exams passed in foreign languages were not recognized: this is the main reason why law graduates from the old system don't know foreign languages from their university studies.

But after 1999, Italian Universities changed gradually their features: the general reform that concerned all Faculties (except for medicine) introduced different degrees. Undergraduate studies consist in "*Corsi di Laurea-CL*" (1st degree courses) aimed at guaranteeing undergraduate students an adequate command of general scientific methods and contents, as well as certain specific professional skills.

General requirement for the access to University is the Italian high school diploma ("*Diploma di Superamento dell'Esame di Stato conclusivo dei corsi di Istruzione Secondaria Superiore*"), awarded on passing the relevant state exams, after completion of 13 years of global schooling; also foreign comparable qualifications may be accepted. First degree courses last 3 years. The degree ("*Laurea*") is awarded to undergraduates who have earned 180 credits. Classes of Degree Courses: educational contents of individual degree courses are autonomously determined by universities. Individual institutions, however, when establishing a CL (or a CLS, as we'll see below) must adopt certain general requirements set forth at national level in relation to groups ("*classi*") of similar degree courses; however, such national requirements may not bind more than the 2/3 of each curriculum.

Degree courses having the same educational objectives and the same fundamental types of teaching-learning activities are organised in groups called "*classi di appartenenza*" (classes of degree courses): the government policy regulates them meticulously and in a compulsory way.

University Educational Credits measure now the workload of single courses: degree courses are indeed subdivided in credits (*“crediti formativi universitari”*). A “university credit” corresponds to 25 hours of work per student, time for personal study included. The average annual workload of a full time student is conventionally fixed at 60 credits.

After obtaining the first degree, students could be admitted to the second cycle (*“Corso di Laurea Specialistica”* - CLS), or to a master of first level.

CLS are aimed at providing graduate students with an advanced level of education for the exercise of a highly qualified activity in specific areas. Access to CLS is by the Italian first degree (*“L”*) or a foreign comparable degree; length of the whole curriculum is 2 years. The final degree, (*“Laurea Specialistica”*, 2nd degree) is awarded to graduate students who have earned a global amount of 300 credits, including those of the 1st degree that have been recognised for access to the CLS (max. 180); furthermore, the drawing up and public discussion of an original dissertation is compulsory. A limited number of CLS regulated by specific EU directives (CLS in dentistry, human medicine, veterinary medicine, pharmacy, architecture) share the following different features: access is by the Italian high school diploma or a foreign comparable qualification; admission is always subject to entrance exams; length is 5 years (human medicine takes 6 years).

CLS are devised to provide the knowledge and abilities needed for the practice of highly qualifying professions; they may be set forth exclusively pursuant to specific Italian laws or EU directives. Access is by a 1st degree or a foreign comparable degree; admission may be subject to the passing of a competitive examination; course length varies between 2 and 3 years. The final degree, called *“Diploma di Specializzazione di 1° livello”* (1st level specialisation degree-DS1) is conferred to graduates who have globally earned 300-360 credits, including those of the 1st degree that have been recognised for access to the CS1.

CMU1 consists in advanced scientific courses or further higher education studies, open to the holders of an L or a foreign comparable degree; admission may be subject to additional conditions. Minimum curriculum length is 1 year. The degree as *“Master Universitario di 1° livello”* (1st level university master-MU1) is awarded to graduates who have earned 60 credits at least.

A further level is given by the *“Corsi di Laurea di 2° livello”* (2nd level degree-CS2), devised to provide postgraduate students with knowledge and abilities requested in the practice of highly qualifying professions; they may be established exclusively pursuant to specific Italian laws or EU directives. Access is by an LS (2nd degree) or by a foreign comparable degree; admission is subject to the passing of a competitive examination; curriculum length is normally 1 year, except for all CS2 of the health sector, which may take up to max. 5 years.

CMU2 consists in advanced scientific courses or higher continuing education studies, open to the holders of an LS or a foreign comparable degree; admission may be subject to additional conditions. Minimum curriculum length is 1 year. The degree (Master Universitario di 2° livello-MU2) is awarded to postgraduates who have earned min. 60 credits.

I have tried to provide a general, and possibly complete, reference: these general features have been in place since Academic year 2001-2002 and concern almost all Italian Law Faculties: the period of law education was so divided; almost all universities offer first and second degree, but only a handful offer CMU2 (master courses). Each of the two degrees require the passing of a foreign language exam, whereby the second one may require that such exam treats specifically the “legal side” of a foreign language, that was undoubtedly a progress and the results of this innovation are now satisfying. From year to year law students improve their English language knowledge and now, after the reform of 2005, they study also in a compulsory way Legal English (the English language is not mandatory, because all European Community languages are allowed, but 80% of the students choose English, and now, Legal English). I’m responsible of foreign languages program in my Faculty and I verified a remarkable progress in knowledge: I hope in better and better progress in next years.

As a third degree was activated for law graduates – *i.e.* the graduate specialisation school for legal professions, introduced in the State University of Milan in 2001, thanks to the association of other two nearby universities: admission is always subject to entrance exams: law graduates are enrolled after an examination that consists in passing a multiple choice test of 50 items.

In the largest Italian Universities, quite the greatest part of law students, after obtaining the first degree, enrol in the second degree, the only one that entitles to begin practising in a lawyer’s or a notary’s office (2 years) and, thereafter, to the competitive examination for notaries, magistrates and public officials or to State Qualifying Examination for lawyers.

Now, after November 25th, 2005

On November 25th, 2005, after the testing period of the foregoing system, the government issued a new decree that re-introduced the “Long-Cycle” Law Degree: the majority of law professors disagreed on the reform that divided the training course and introduced bureaucratic complications without adding value, but there were also others who preferred to have a better view of the results of the new experience, but at last the best thing to do was to change and return to the past or, to say better, to *a past in progress*.

Since academic year 2006/2007 almost all Italian Law Faculties have activated a Long-Cycle Law Degree course, associated with long-cycle law degree class LMG/01.

The course lasts for a total of five years, and consists of a foundation year followed by a four-year course.

In order to obtain a long-cycle law degree, students must earn 300 university credits.

Credits measure the total volume of work which students need to perform in order to gain the knowledge and skills characterising the course of study, and are equivalent to 25 hours’ classroom work and individual study. Each academic year therefore involves

approximately 1500 hours of work. Different numbers of credits may be awarded for different subjects.

The aim of the Long-Cycle Law Degree Course is to give students a thorough grounding in formal and substantial law, combined with the ability to understand the relevant economic implications and give to economic contents a legal form, so that they are capable of working competently in industry, private practice or the public sector in Italy or abroad. For this purpose, graduates must:

- obtain in-depth knowledge of the basic national and European legal culture, using case-study techniques and methods, in relation to subjects which help to understand and evaluate the principles and institutions of positive law, in all main branches especially in code branches;
- acquire historical knowledge which enables them to evaluate positive law institutions from the perspective of their historical development, not only restricted to Italian legal history but widened at least to legal European history to mould into young jurists a European legal mindset;
- be fully able to produce legal documents (legislative, contractual or procedural) which are clear, relevant, effective in relation to the context of use, and well argued, possibly with the use of information technology;
- develop excellent interpretation, case study analysis, legal classification (classifying facts by types of offence), comprehension, representation, evaluation and awareness skills enabling them to deal with legal interpretation and application problems;
- learn the basic methods required to update their skills.

These aims have been gradually achieved also by new teaching methodology: mere theory had to yield to practice view; in many courses case law is the main address to follow, seminars and exercises are frequent and many students participate; written examination are more and more frequent, in order to accustom students to write in legal language, not only to speak in legal language (beforehand, almost all exams were oral); mock trials are more frequent (although a long time ago in my Faculty there were some).

Students taking the Single Long-Cycle Law Degree Course can currently choose from four different specialist subjects: Private law; Criminal law; Public Law; International law; Commercial Law, or they can present a personal plan in which students choose three courses among all optional courses or semi-optional courses.

Italian Law Faculties now generally offer 1st level degree ("*Laurea*") courses in Legal Science ("*Scienze Giuridiche*") and Sciences for Legal Services ("*Scienze dei Servizi Legali*"), as well as the traditional Single-Cycle Law degree (now of five years), which can lead to a legal or judicial career. All the courses do not deal only with internal law, but illustrate the growing interest in international and global point of view: for example: before 1980 the chair was Italian legal history, now is medieval and modern history, there is not any geographic limit and our look is extended at least to European legal history but if possible to global legal history. The program of my chair now is 1. The system of *ius commune*: from the "legal renaissance" to the age of crisis. 2. Legal humanism. 3. The procedures of the major

European courts. 4. Continental schools of natural law. 5. The age of legal enlightenment. 6. The emergence of the code concept. 7. Codification of law in France from the Revolution to the Napoleonic era. 8. Codification of law in the Habsburg area. 9. The age of codes in Italy: from legislative unification to the age of decodification. As a full professor of Italian legal history since 1980, I saw my chair changed into medieval and modern law by government decree but already before the reform I taught a European legal history.

Since the last years of XX Century, Law Faculties offer a wide range of courses and deal with many areas of research, but students' choice is extremely limited: the same choice of the four subjects (or less or more, according Faculties' different plans) is reduced to three exams of about thirty. Particular attention is dedicated by all Italian Law Faculties to international relations, with teaching staff and the most outstanding students constantly collaborating in projects with prestigious foreign universities, such as (to name some that concern my Faculty in Milan) Berkeley, Stanford, Carlos III de Madrid, Universidad del País Vasco, Coimbra, Lund, Antwerp, São Paulo, La Plata, Externado de Colombia, Tel Aviv and Haifa and now also China, where is under development a summer school for foreign students, and about twenty our students a year follow courses dedicated especially to international law.

Graduates may work and be employed not only as lawyers and magistrates, but also in other in positions of great responsibility in various social, socio-economic and political fields, in institutions, the public sector, private companies or trade unions, in the field of information technology law or comparative, international and EU law (European lawyers), or in international organisations, where lawyers' analysis, evaluation and decision-making skills are invaluable even outside the strict confines of their profession.

The Long-Cycle Law Degree entitles graduates to take the State Qualifying Examination for lawyers and the competitive examination for notaries and magistrates and public officials.

If we look at the curriculum studies in Law of some main Italian universities (Milan, Rome, Naples, Turin) we find all features I tried to describe.

Finally, I do not appreciate the excessive rigidity of the plan that does not permit single Faculties to employ all their energies to blaze new trails and offer students greater opportunities of knowledge: the legal value of the degrees is an advantage for many students but does not allow competition on the offering side, although the public is aware of the better law Faculties and appreciates the endeavour to improve legal education.