



CORSO DI LAUREA MAGISTRALE IN: “MIGRAZIONE, DIRITTI, INTEGRAZIONE”

SYLLABUS

1. Sources of Private Law

- The traditional divide of private and public law
- The sources of national law
 - Civil law jurisdictions
 - Common law jurisdictions
- The formation of commercial law and its relationship with the rest of private law

Suggested bibliography:

Pietro Sirena, Introduction to Private Law, Il Mulino, 2020, Chapter VII. Private law and its sources

2. Juridical Positions and Legal Subjects

- The concept of juridical positions
- The positions of ‘can do’: powers (and power-rights)
- The positions of ‘may do’: privileges (or freedoms) and licenses
- The concept and classification of the (subjective) rights
- Legal personhood
 - Natural persons
 - Legal persons
- The capacity (or power) to act
 - Natural persons
 - Legal persons

Suggested bibliography:

Pietro Sirena, Introduction to Private Law, Il Mulino, 2020, Chapters XI. Rights and duties, and XII. Legal subjects

3. Meaning of “Constitution” and Types of Constitutions

- Definitions of the term ‘Constitution’
- Constitutions and the Demos
- The Constitution’s Boundaries
- The Constitution as Law
- Types of Constitutions



- Liberal-Democratic Constitutions
- Liberal Non-Democratic Constitutions
- Non-Liberal Democratic Constitutions
- The Social or Welfare State Constitutions
- Socialist Constitutions

Suggested bibliography:

- a) Mark Tushnet, Constitution, in *The Oxford Handbook of Comparative Constitutional Law*, ed. by Michel Rosenfeld and András Sajó, Oxford University Press, 2012, pp. 207-232, DOI: 10.1093/oxfordhb/9780199578610.013.0011.
- b) Dieter Grimm, Types of Constitutions, in *The Oxford Handbook of Comparative Constitutional Law*, ed. by Michel Rosenfeld and András Sajó, Oxford University Press, 2012, pp. 98-132, DOI: 10.1093/oxfordhb/9780199578610.013.0006.

4. European Union Law

- Historical Background, Legal Status and Nature of the European Union
- Institutions of the European Union
- Sources of the European Union law
- Supremacy of European Union law upon the Member States' laws

Suggested bibliography:

- a) Franz C Mayer, Imke Stanik, European Union: Historical Evolution, in *Max Planck Encyclopedia of Public International Law*, available at: <https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e642>
- b) Pietro Sirena, Introduction to Private Law, Il Mulino, 2020, Chapter VIII: European law.

5. Human Rights in the EU

- Historical retrospective of human rights in the EU
- Human Rights and the CJEU
- Human Rights and the Commission

Suggested bibliography:

Andrew Williams, Human Rights in the EU, in *The Oxford Handbook of European Union Law*, ed. By Damian Chalmers and Anthony Arnall, Oxford University Press, 2015, pp. 249-270, DOI: 10.1093/oxfordhb/9780199672646.013.10

6. Sources of International Law

- Identification of Sources of International Law
- Law-Making Process in International Law
 - The Making of Treaties



- The Development of Customary International Law
- The Development of General Principles

Suggested bibliography:

Rüdiger Wolfrum, Sources of International Law, in Max Planck Encyclopedias of International Law, available at:

<https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1471?rskey=6JJRxx&result=1&prd=MPIL>

7. Human Rights

- The General Idea of Human Rights
- The Existence and Grounds of Human Rights
- Which Rights are Human Rights?
- International Protective Mechanisms
- Domestic Remedies

Suggested bibliography:

- a) James Nickel, Human Rights, in Stanford Encyclopedia of Philosophy, available at: <https://plato.stanford.edu/entries/rights-human/#WhicRighHumaRigh>
- b) Thomas Buergenthal, Human Rights, in Max Planck Encyclopedia of International Law, available at: <https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e810>

Palermo, 10 luglio 2020

Il Presidente
Prof. Massimo Starita