



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

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

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

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

5. Human Rights in the EU

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

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

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:

Here you might find some suggested learning materials. Please do not feel restricted to only reading what we suggest.

The list includes some online resources openly available to UNIPA students at no additional charge.

1. Sources of Private Law

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

In italiano si può leggere: Alfredo Galasso, Giuseppa Palmeri, *Istituzioni del diritto privato*, tomo I, ed. Zanichelli, ultima edizione, cap. 1, sez. 2 (fonti).

2. Juridical Positions and Legal Subjects

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

In italiano si può leggere Alfredo Galasso, Giuseppa Palmeri, *Istituzioni del diritto privato*, tomo I, ed. Zanichelli, ultima edizione, cap. 1, sez. 4 (Diritto soggettivo), cap. 2, sez. 1 (par. 1.1-1.4), cap. 2, sez. 2, cap. 2, sez. 3, cap. 2, sez. 4.

3. Meaning of “Constitution” and Types of Constitutions

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.

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

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>

Pietro Sirena, Introduction to Private Law, Il Mulino, 2020, Chapter VIII: European law; or: A. Cuyvers, The Institutional Framework of the EU, in Cuyvers A., Ugirashebuja E., Ruhangisa J., & Ottervanger T. (Eds.), *East African Community Law: Institutional, Substantive and Comparative EU Aspects*, Leiden/Boston, 2017, pp. 79-102, available at: https://www.jstor.org/stable/10.1163/j.ctt1w76vj2.8?seq=1#metadata_info_tab_contents and A. Cuyvers, The Scope, Nature and Effect of EU Law, in Cuyvers A., Ugirashebuja E., Ruhangisa



J., & Ottervanger T. (Eds.), *East African Community Law: Institutional, Substantive and Comparative EU Aspects*, Leiden/Boston (Brill), 2017, pp. 161-181, available at: https://www.jstor.org/stable/10.1163/j.ctt1w76vj2.12?seq=1#metadata_info_tab_contents.

5. Human Rights in the EU

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

6. Sources of International Law

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

James Nickel, Human Rights, in *Stanford Encyclopedia of Philosophy*, available at:

<https://plato.stanford.edu/entries/rights-human/#WhicRighHumaRigh>

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, 25 agosto 2020

Il Presidente
Prof. Massimo Starita