

University of Palermo - PhD

PLURALISMS LEGALISMS. PROSPECTS ANCIENT AND CURRENT

Design document Cycle 40°

I. QUALIFYING FEATURES OF THE COURSE AND DEVELOPMENTS SINCE ITS INCEPTION

1. The doctoral programme was established in 2013 to gather and enhance experience, stimuli and training and research potential of previous doctoral programmes of the Department of Law, aiming from the outset to develop a vast network of national and international collaborations with scholars and experts. In line with the objectives of the University's Strategic Plan (in particular: O.2. - Strengthen basic research, applied research and scientific design to meet emerging national and international challenges; O.2.1. - Qualify and enhance PhD in an international perspective; O.2.2. - Improving the quality and productivity of research). the underlying **unifying idea** has been and continues to be the in-depth study of the phenomena of coexistence and ever-increasing interaction between different legal systems, with the related consequences in terms of the production, interpretation and application of law, but also of the circulation and hybridisation of legal systems and related legal paradigms. In this context, the jurist's reflection must face up to new challenges, such as - just to mention a few of the most relevant - the effects on contemporary societies of global phenomena, the regulation of new forms of public-private cooperation, the emergence of new legal subjects claiming protection, and the consideration of modern tools for the communication and dissemination of law. In order to adequately address the consequent need to update the methodologies of research and study of law, attentive to the evolution of its applicative dimension, it was deemed essential to aim at the objective of training a jurist capable, on the one hand, of orienting himself in the network of sources that reciprocally influence each other and, on the other hand, of framing current legal issues in the respective directions of historical evolution.
2. In order to realise this fundamental educational objective, an **integrated approach to the legal phenomenon** has been taken into account that can make use of the greatest possible number of disciplinary contributions and the most up-to-date topics of reflection and discussion in the individual specialised areas, so as to combine a non-partisan view of the lines of research, while at the same time making the most of the most advanced innovative contributions in the various disciplinary areas of the legal field. In this way, it is intended to ensure a constant openness to developments in the issues under examination, also thanks to the stimuli coming from the training and research paths developed in the doctoral course.
3. The broad common thematic and methodological horizon is illuminated from distinct perspectives in the **two curricula** into which the course is divided. Within the framework of a common interdisciplinary vocation, one curriculum deepens both the historical perspective, with particular attention to the Roman legal experience in its various public profiles,

private law and the history of sources, also as a methodological tool to help understand current phenomena, as well as the processes of progressive osmosis between inter- and supranational levels and the internal ones in the field of public law disciplines, with particular reference to constitutional, administrative, European and international law, criminal law and criminal procedure, also from a comparative perspective. The other curriculum focuses primarily on the interaction between legal systems in the field of private law, always on the basis of a careful comparative-historical framework and with particular regard to the construction of a European law of contracts, as well as the impact of global law in the field of public regulation of the market, legal relations of companies, industrial relations, consumer protection.

4. Central to the common cultural project of the Course is the **training and research activity**, which will be developed over the course of the three-year cycle according to a scansion that provides for both the acquisition of advanced skills in legal research, also of a methodological nature, as well as in-depth studies on topics in which the perspective of legal pluralism enhances the understanding of certain macro-problematic areas. The three-year training activity envisages, in particular, a first common and introductory cycle of seminars on methods of legal research and the study of the application of law, and a course, possibly also divided into two modules depending on the themes, that delves into legal problems in which the theme of pluralism takes on particular importance. In addition to the thematic course, in the second year there is the possibility of a period of training in the knowledge of solutions to problems of living law, through an internship of three to six months in judicial offices or a confrontation with the legal assistance activities of a company. Finally, in the third year, doctoral students' training is completed with a research stay abroad for a period of three to six months. In addition, participation (also at a distance, if during the period abroad) in the course on macro-topics characterised by legal pluralism is supplemented by the holding of a workshop in which the doctoral students themselves are called upon to present the main lines of research, in a discussion with their tutors, the lecturers of the college and the other doctoral students.
5. The training path outlined is aimed as a whole at contributing to the achievement of the **main objective** of the PhD Course: to stimulate and consolidate in breadth and depth of reflection the awareness of the multilevel structure of legal systems, of the circulation and mutual integration of the related models and systems, of the increase in inter-ordinal relations and the affirmation of values, principles, but also techniques common to the different legal systems. The overall activity is aimed at training a profile of jurist aware of the current complexity of legal relations and sensitive to the foreseeable developments of the demands for legal formalisation posed by evolving societies. The aim is thus to provide the skills and stimuli for a jurist capable of contributing to the advancement of legal science, actively participating in the scientific communities in which the various disciplinary groups are articulated, and facing the tests for subsequent developments in their respective academic careers. The PhD also aims to train jurists and legal practitioners who are methodologically equipped to confidently navigate and actively interact with the complexities of contemporary legal phenomena and the foreseeable future.
6. In the light of this, the **main professional outlets** to which the training activity of the PhD is addressed are the following: academic scientific activity in universities and research institutes; ordinary judiciary, special judiciary, advocacy, notary; representation and management in public administrations; representation and management in international organisations; representation and management in banking and financial intermediation institutions; management structures for the administration of companies and businesses; legal consultancy in companies and groups of companies, with particular regard to the area of relations between companies and businesses; legal advice in companies and groups of companies, with particular regard to the area of relations between companies and businesses.

- international negotiations; specialist advice on competition and market regulation.
7. The board of teachers discussed and defined the training objectives and the vision of the jurist that the PhD project intends to train. In particular, the doctoral regulation, which was widely discussed and unanimously approved on 18 September 2024, deemed particularly relevant for the aforementioned purposes a series of **in-depth training and research paths**, also selected by favouring topics more open to interdisciplinarity. Referring to relevant list complete list
[\(https://www.unipa.it/dipartimenti/di.gi./dottorati/pluralismigiuridici.prospettiveanticheeattualiinternazionale/regolamento.html\)](https://www.unipa.it/dipartimenti/di.gi./dottorati/pluralismigiuridici.prospettiveanticheeattualiinternazionale/regolamento.html) , we mention here by way of example

The system of regulatory sources and constitutional legality - Fundamental rights in the face of the digital revolution. - The territorial articulation of public power. - Criminal legality and pluralism of sources - Criminal protection of collective legal goods. - Primacy of European law and 'dogmatic sovereignty' of national administrative law - Administrative procedures as techniques for the settlement of institutional pluralism - The system of sources of EU law and their methods of interpretation - The relationship between EU law and national legal systems - Cooperation between judges, national administrations and EU institutions. - Restorative, Consensual and Reward Justice - Mandatory prosecution and future scenarios. - Law and Robotics: generative AI systems and functions of subjects in criminal proceedings. - Perspectives of European unification of contract law and the historical formation of legal institutions; Jurists, judges and legal pluralisms: rights of antiquity and current perspectives; Torts, forms of liability and procedural models: historical foundations and current perspectives; Ancient and modern constitutionalisms - Roman international law of war and peace. - Pluralism and particularism of legal sources between the Middle Ages and the Modern Age. - From pluralism of sources to state law. - Civil law in the prism of European legality - Person, market and new technological challenges - Persons and groups in transition: from gender identity to migration - Corporate law of business crisis. - Capital and market competitiveness and enterprise sustainability. - State, enterprises and markets in the era of digital transition and artificial intelligence - Tax instruments to protect the environment in the new perspective of constitutional reform. - The application artificial intelligence in the relations between financial administration and taxpayer.

8. In line with the above, the board of teachers discussed and defined the **programme compulsory teaching activities**, which were divided into three groups of seminars spread over the course of year (see II below), and provided for the possibility of further optional seminars, again in line with the cultural project of the doctorate.
9. The **international openness** of the course notes and develops along multiple lines. On the one hand, the international collaborations with the Universities of Paris Pantheon (which have been structured for over ten years) and Malaga (also dating back to more than ten years and recently renewed) constitute solid bases for cotuteles and double titles. On the other hand, the focus on international comparison is already decisive with respect to the content choices in the seminar programming and proven first and foremost by the qualified presence of numerous foreign scholars on the teaching board, as well as the participation of well-known foreign speakers in numerous seminars. Furthermore, to emphasise the importance attributed to international exchange in enriching the doctoral student's research, in 2024 the board of teachers indicated that, starting from the fourth cycle, a six-month stay abroad at research institutions and centres of high scientific qualification must be included as a matter of course in the individual study programme. Lastly, in order to make the doctoral programme's course offerings widely known abroad, the relevant web page is bilingual (IT/EN).

II. PLANNING AND ORGANISATION OF RESEARCH ACTIVITIES

1. The board of teachers plans and organises the training and research activities in terms that are compatible with the cultural project of the doctorate, favouring the interdisciplinary, multidisciplinary and transdisciplinary openness of the activities. For 2024, a **general programme** of compulsory seminars (equal to 60 CFU) was approved at the beginning of the academic year, and the possibility of additional optional seminars to be approved during the course of the year has been envisaged.
2. The **compulsory seminars** are divided into two cycles divided three blocks of activities: the first cycle is introductory and essentially methodological in nature, as it aims to illustrate the fundamental research tools available in the department's facilities and in the university library system ([05/11/2024-08/11/2024 - Course "Methodology researchof legal : areas and tools \(compulsory teaching activity\)](#)), for a total of 12 CFU. A second cycle of compulsory seminars is in turn divided into two groups, each of five modules (30+30 CFU, in the second one doctoral students are invited to choose at least three modules amounting to 18 CFU). All ten modules are articulated within the framework of an overall reflection on "PEOPLE, COMPANIES AND MARKETS Legal systems and multilevel protections". The overall theme and specific topics of the meetings have been defined in line with the Course's training objectives and the PhD research lines set out in the regulations. The participation of national and international scholars and experts is envisaged in all of them, as well as the coordination of lecturers who are members of the Collegio and the active participation of the Course's doctoral students, also through the presentation of scheduled speeches (for details, please refer to the [programme 24/02/2025-11/04/2025 - Programme II cycle of seminars A.A. 2024/25 \(compulsory teaching activity\)](#).)
3. **Optional training and research activities** are those that are compatible with the PhD programme's cultural and educational project and are gradually approved by the Board of teachers on the basis of proposals by both internal and external members. By way of example, here are some of the optional seminars open to the participation of PhD students on the course: Conference "Gender and Health" (30/10/2024-31/10/2024); Seminar "PhD and Legal Methods" (11/10/2024); Seminar "AI, ChatGPT and Legal Methods" 10/10/2024; Interdisciplinary Seminar of the University Doctoral School (1/10/2024); Seminar "Climate Change and New Perspectives on Public Law. The protection of the environment between criminal law and administrative law" (27/09/2024); Summer School 2024 "Democracy and climate justice" (1/07/2024 - 6/07/2024); Conference "Poverty in international and European Union law" (XXVIII SIDI Conference) 6/06/2024-07/06/2024; Conference "Recounting environmental catastrophe: the role of literature in a time of crisis" (21/05/2024); Conference "Challenges and perspectives of Ecological Transition" (19/04/2024).
4. The board of teachers and the coordinator, also with the active support of the tutor teachers, encourages and stimulates **the participation** of PhD students, also as speakers, **in national and/or international conferences, workshops, winter and summer schools**. Through department's research office, the doctoral students are also informed about calls for proposals and other opportunities for national and international research programmes, so that they can also participate independently.
5. The co-ordinator, in agreement with the doctoral student's tutor, authorises **the doctoral student's training and research activities abroad**, ensuring that they are consistent with the doctoral student's individualised pathway, both in terms duration and host location, within the overall framework of the doctoral research project.

6. The doctoral course allows and encourages **the participation** of doctoral students **in teaching and tutoring activities**, which are assessed by the respective tutor as compatible with the doctoral student's research activities and up to a maximum number of 40 hours per year.
7. The doctoral course ensures that the research carried out by the doctoral students generates **scientific products** that can be traced back to the doctoral student and requires them at the end of the year to upload their scientific products on the University's IRIS platform in order to make them properly **accessible** in compliance with intellectual protection mechanisms.

III. MONITORING PHD COURSE ACTIVITIES.

1. With reference to the **AVA3 indicator H.0.0.A - Percentage of students enrolled in the first year of PhD courses who obtained their degree in another university**, in the five-year period from the academic year 2019/2020 to the academic year 2023/2024, the PhD programme recorded an indicator of 15.5%, well below both the national average (51.7%) and the macro-regional average (42.2). It is worth noting the peak reached in the academic year 2020/2021 of 40%, but still lower than the national average (52.6%) and the macro-regional average (43.2%). This exception may have been caused by the fact that in 2020/2021 many of course activities were still delivered at a distance, due to the covid pandemic
 19. This may also have favoured access to the course for students from other universities, including non-Sicilian ones. Overall, the indicator's trend over the five-year period is nevertheless improving, having settled at a value of 14.3% in the academic year 2023/2024, higher than the 0% of the previous academic year and the 9.1% of the academic year 2021/2022. The indicator represents a weakness of the course, which , however, due to various factors, including structural ones. Compared to the national benchmark, a negative factor is the geographical location of the course, which penalises its attractiveness compared to similar doctoral courses provided by universities in central and northern Italy.
 Also with respect to the macro-regional benchmark, the insularity of the course constitutes a critical profile with respect to the expected performance, considering that the macro-region of reference includes a rather heterogeneous set of universities, including not only the universities of Sicily and Sardinia, but also all the universities in the centre-south, excluding the universities in Rome.
 Undoubtedly, the universities in the centre-south enjoy better territorial continuity overall than the universities located on the islands. Furthermore, it should not be overlooked that the very limited presence in Palermo of universities competing with the state university does not facilitate the influx of students from different but contiguous locations, as is the case in other large capital cities in the south (Naples, for example).
2. **With reference to the AVA3 indicator H.0.0.B - Percentage of PhDs who have spent at least three months abroad**, it should be noted that in the academic year 2023/2024, this indicator is 75% and is far above the national average (35.3%) and the macro-regional average (39.8). Over the five-year reference period, the indicator has then always remained **well** above the national and macro-regional averages. In the academic year 2019/2020, it stood at 71.4%, compared to a national average of 36.2% and a macro-regional average of 30.6%; in the academic year 2021/2022, it reached 66.7%, compared to a national average of 38.2% and a macro-regional average of 40.3%); in the academic year 2022/2023, on the other hand, the indicator was 50%, compared to a national benchmark of

27.1% and macro-regional of 29%. Only in the a.y. 2020/2021, due to the pandemic, did the indicator show a significantly lower value than in other years, dropping to 20% and falling below the national (36.3%) and macro-regional (36.3%) benchmarks. Overall, the indicator is a **strength of the PhD**.

3. **With reference to the AVA3 indicator H.0.0.C - Percentage of scholarships financed by external bodies, it should be noted that, in the five-year period 2018/2019 - 2022/2024, the course values were below the national and macro-regional average.** Notably, the number of externally funded scholarships was zero for the academic years 2018-2019 to 2021-2022. The figure, however, should be contextualised within the broader trend of the Athenaeum's doctoral courses, which all report the same percentage of zero externally funded grants in the same period and is consistent with the macro-regional figure (equal to zero for the academic years 2018/2019 and 2019/2020).

It should be noted, however, that the trend was reversed in the academic year 2022/2023, with the percentage of grants financed by external bodies reaching 44.4% of the total percentage of grants on the course (compared to a national average of 61.6% and a macro-regional average of 64.4%). More specifically, for cycle XXXVII, out of a total of 12 grants, 6 were financed by external bodies (3 PON grants, 1 regional grant, 1 PNRR grant); for cycle XXXVIII, out of a total of 11 grants, 4 were financed by external bodies (1 regional grant, 1 "dare" project, 2 PNRR); for the XXXIX cycle, out of a total of 8 grants, 6 are funded by external bodies (mainly PNRR grants); for the XL cycle, out of a total of 6 grants, 4 are funded by the University, 1 grant is regional, 1 position is "without grant". The recent drop in the figure for external funding is entirely understandable due to the physiological zeroing of resources from the PNRR.

4. **Percentage of PhDs who spent at least six months of their training in public or private institutions other than the seat of the PhD courses, including months spent abroad, it should be noted that for the year 2019, the figure is 57.1% and therefore well above the national (19.9%) and macro-regional (15.9%) average; for the calendar year 2020, the figure is 0, compared to the national average of 22.6% and macro-regional average of 24.7%; for the year 2021, the figure is 33.3%, which is higher than the national average of 25.6% and macro-regional average of 26.8%; for the year 2022, the figure is 0%; in 2023, the indicator increased to 25%, which is equal to the national benchmark and higher than the macro-regional benchmark of 24.1%.**

Overall, therefore, the **trend remains erratic**. In the years 2019 and 2021, the national and macro-regional values were exceeded. While in the years 2020 and 2022, the value was largely insufficient.

5. **With reference to AVA3 indicator H.0.0.E - Ratio between the number of research products generated by PhDs in the last three completed cycles and the number of in the last three completed cycles (five-year period 2018 - 2023), the indicator - derived from the ratio between the number of research products generated by PhDs (Numerator) and the number of PhDs who completed their cycle in the year 2024 (Denominator) - for year 2024 stood at a value of 3.5. In 2023, the indicator was 2.5 compared to a national indicator of 5.1 and a macro-regional indicator of 5.2.**

It is also interesting to compare the data from the Ratio between the number of research products generated by PhDs in the last three completed cycles and the number of PhDs in the last three completed cycles (five-year period 2018 - 2023). The indicator stood 1.3 in 2019, at 0 in 2020 and in 2021 6.5 in 2022 and 2.5 in 2023, in this case against a national indicator of 5.1 and a macro-regional indicator of 5.2.

The indicator thus represents a **critical point**. In this regard, however, it must be noted that the comparison with the results of publications of other doctorates is affected by the peculiarity of this doctorate, which does not belong to the so-called 'hard sciences', where experimental activities are carried out and the research products are often the result of collaboration between several authors.

Furthermore, it appears that publication data is sometimes not correctly and timely uploaded to the IRIS platform, so that it cannot be taken into account for the determination of this indicator.

Nevertheless, over the five-year **period, an upward trend has** been recorded, albeit with results that are still below the national and macro-regional averages, which must commit us to further efforts on this front.

However, it should be noted that with respect to the **ratio between the number of research products generated by PhD students in the last three cycles and the number of PhD students**, the figures are as follows. For the 37th cycle the ratio is 0, for the 38th it is 2, for the 39th it is 1.1. Thus, a fluctuating figure, which tends to be within the average of the values recorded for the other PhDs.

6. With reference to the indicator "**Presence of a system for surveying doctoral students' opinions**", it should be noted that this has been activated by the University since the academic year 2023/24. The doctoral students' opinions are made available for consultation by the coordinator via a special back-office application. These opinions are used for the purpose of updating the organisation of the PhD Course, with particular reference to the critical points reported by PhD students.

The surveys on the opinions of the doctoral students of the course Legal Pluralisms. Prospettive Antiche e Attuali show an **evolving picture**, with a general appreciation of the structure of the doctorate, but also with some critical issues that have emerged more clearly over time.

In the initial phase, the data collected was limited to only one questionnaire (**XXXVIII Cycle - Year 1**), which made the results unrepresentative. However, some strengths were already apparent at the time, such as effective organisation of the educational offering, the careful management of research funds and the possibility of taking advantage of international mobility opportunities. At the same time, a number of critical points had emerged, including the absence of interdisciplinary and entrepreneurial modules, the lack of dedicated workspaces and poor interaction with external academia and business.

As the number of responses increased in the subsequent surveys (**XXXVIII Cycle - 2nd year and XXXIX Cycle - 1st year**), the analysis became more detailed, confirming the solidity of the doctoral structure and the value of the training activities, which are quite distinct from the university courses. Compared to the initial phase, a more articulated perception of the assessment system has emerged: while some doctoral students reported the presence of written and oral examinations, others pointed out that assessment is mainly through the presentation of individual results. The assessment of international mobility was also positive, with many students having already taken advantage of or intending to take advantage of increase in foreign grant. However, obstacles related to the difficulty in finding host institutions and bureaucratic problems in managing funding were reported.

Alongside these considerations, **new problems** emerged, mainly of an administrative and logistical nature. Some doctoral students experienced difficulties in accessing research funds and a lack of clarity in bureaucratic procedures. The issue of study spaces proved to be a major problem: although some students claimed to have adequate workstations, many others complained of a total lack of suitable working environments. Involvement in the planning of educational activities also elicited opinions

contrasting, with some doctoral students who felt part of the decision-making process and others who would have liked more opportunity to participate.

In the latest survey, which also involved the XXXIX cycle doctoral students, the general opinions remained largely unchanged, but with more attention to critical details. The need for clearer administrative management, especially with regard to funding and bureaucratic deadlines, was reported more strongly. The quality of research spaces and equipment was also mentioned as an aspect to be improved, with particular reference to IT equipment and library services. As far as teaching is concerned, the assessment remained positive overall, but a request emerged for greater flexibility in the choice of educational activities, so that they could be better adapted to individual needs.

Overall, the doctoral programme is solid and appreciated, but with room for improvement, especially in administrative management, organisation of spaces and expansion of the educational offer. **However, action has already been taken to remedy these shortcomings: the College of Professors has stepped up its support**, both to facilitate mobility and to facilitate access to funding, with **more active involvement also on the part of the tutors**.

The increase in the number of respondents provided a clearer and more detailed picture, bringing out more precisely both the critical issues and the potential for developing the programme. The fact that doctoral students more consciously expressed their needs demonstrates a growing participation in the improvement of the doctorate, a positive sign for the future of the course and its ability to adapt to the needs of those who attend it.