

Ph.D. in Law

Teaching Activities 39 Cycle a.y. 2023/2024

Attendance Rules:

1st year students must attend:

20 hours of methodological activities

20 hours of interdisciplinary activities & applied legal theory

40 hours of domain-specific attendance

40 hours of domain-free attendance

2nd year students must attend:*

40 hours of domain-specific attendance

40 hours of domain-free attendance

			Co-Lecturer				ECTS			
Research Area	Disciplinary	Lecturer	(if any) Title of the Course	Brief description	Language	Hours	(if any)	Semester	Compulsory	
Criminal Law		di Martino	Insights on methodology of criminal law theory	The course aims to provide an overview of the main methodological accounts in criminal law scholarship, from the technical-legal approach (legal formalism) to the most recent attempts of dialogue between European, North American, and Japanese scholars. PhD students with research projects in differet branches of law are expected to contribute to te discussion by explaining their views on where criminal law theory stands when legal research faces challenges of interdisciplinarity. Reference text: Matsuzawa, Nuotio (eds), Methodology of Criminal Law Theory: Art, Politics or Science? Nomos Verlag, 2021. Italian students will be especially required to read ahead of time further materials on Italian scholarship, to be discusses in class.	english	10	1	1		
Metodological activities		G. Palombella	Methodology and legal elaboration	The course revolves around the diversity of methodological approaches to research in the area of legal scholarship. A first part of the course is devoted to the scientific basis and features of alternative methodologies, different methodologies are stemming from different choices and are intended to different aims and results. Hybrid methodologies shall be taken into account as well. In the second part of the course, students shall be asked to refer their projects to the appropriate methodology, and the class shall discuss their choices, in the attempt to identify the 'best possible approach' according to the required priorities, field & subject, and envisaged content of the research.	english	10	1	11	yes	
Interdisciplinary activities	Applied legal Theory	G. Palombella	Sustainable Legality. Issues of legal feasibility in complex regulatory and normative settings	The course shall assess transformed settings of legality: domestic, international and supranational legalities are taken into account as regarding their relationships and the combined results of their normative aims. "Sustainable law" is meant as a strictly legal problem. It does not overlap with a second use of the words sustainable substainability, that is related to social, economic, environmental sustainability of political programs and policies. Nonetheless, the first, legal sustainability, is often a litmus test for the second kind of 'sustainability'. Some fields of major relevance (for ex.: security, environment, human rights) shall be addressed along with the role of legal arrangements in the chain of their operational outputs.	English	20	2	Ш	yes	
Private Law		Maria Gagliardi	Introduction to Data Protection Legal Framework	The course provides an overview of the European regulatory framework on data protection. (it is not limited to students and researchers interested in private law research and topics)	English	10	1	11		
Private Law		Maria Gagliardi	Legal issues in risk management, insurance and liability models. Insights in different human activities	The course provides an overview: of the models and legal tools of managing risks, including insurance and reinsurance; of the main legal issues enbedded in the design and choice of several liability models. Examples are chosen among different human activities (healthcare, workplace, etc.)	English	10	1	=		
Private Law	Law and Tecnology	Andrea Bertolini	The frontiers of technology regulation: a functional analysis	With many upcoming proposals in the field of AI regulation, due to be approved within then next few months, the course aims at debating said proposals in a functional perspective, thence not merely based on doctrinal consideration, but in a policy persepctive The course addresses the regulatory initiatives undertaken at the EU level for the regulation of robotics and AI: from the EU Parliament Resolutions of February 2017 and October 2020 to the proposal adopted under the Commission strategy "AI for	english	10	1	II		
Private Law	Law and Tecnology	Erica Palmerini	The Regulation of Al in Europe: acquis, current trends, and the road ahead	Europe": the Proposal for a Regulation laying down harmonised rules for artificial intelligence (Artificial Intelligence Act, 21.4.2021); the Proposal for a directive reforming the PLD and the Proposal for a directive on Civil Liability and AI (September 2022). Within this framework, the following topics will be discussed: the regulatory options available for addressing the phenomenon of AI, including the adaptation of existing rules, a digital fitness check, or the introduction of special rules in a horizontal fashion; the regulatory instrument chosen and potential extraterritorial effects; liability for damages caused by autonomous systems; autonomous decision-making and the risk of discriminatory outcomes; unfair algorithmic practices; personal data collection and data governance.	English	10	1	I		

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				The 20-hour course will offer a general introduction to international human rights law in terms of standards and actors, and					
				then provide an overview on how universal and regional treaty monitoring bodies (notably the European Court of Human					
				Rights) have addressed a number of topical issues. It will also reflect on the concrete effects these pronouncements had on					
				governmental policies. The list of issues to be addressed might be slightly adapted taking into account the research interests					
				of prospective participants. Topics addressed might include:					
				-Migration (considered in terms of regulation of flows and treatment granted to migrants/asylum seekers);					
				-®limate change and state obligations to prevent it/mitigate its effects;					
				-Prevention and response to pandemics and other natural or human-made disasters;					
				-Bolicies adopted to tackle terrorist threats and other emergencies; -The independence of the judiciary;					
				-Data protection and mass surveillance;					
		E. Sommario (12) + C.	International Human Pights Law: Actors	-The compatibility of new technologies with HR protection.					
Comparative and International Law	International Law	Bakker (8)	and Issues	and compared that the processor	english	20	2	П	
·		1,1		This course analyses the connection between emancipation and rights by analysing the case law of some supreme and					
				constitutional courts on the subject of personhood. In particular, an attempt will be made to highlight the different					
				approaches to the concept found in the systems considered through the analysis of some landmark cases and groundbreaking					
			Legal Personhood in Comparative Public	pieces of legislation(from the debate about slavery in the US to some recent developments concerning the rights of nature,					
Comparative and International Law	Comparative Public Law	Giuseppe Martinico	Law	including the seminal decision of the Privy Council Edwards v Canada (AG)).	English	10	1		
				This short course analyses the North American debate on the federal nature of the European Union, starting with the seminal					
				works by Hay ('Federalism and Supranational Organisations, 1966), Friedrich and Stein on the European integration process					
				seen as a federalising process or an example of functional federalism. In particular, the doctrines of direct effect and primacy					
				will be analysed in the light of this debate. Finally, we will look at the current issue of the limited scope of the EU Charter of					
Comparative and International Law	Eu costituitional Law	Giuseppe Martinico	How federal is the European Union?	Fundamental Rights and the constitutionalisation of the right of withdrawal under Art. 50 TEU	English	10	1	П	
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				The second of th					
				The modern information society with the increasing role of data, its collection and use, and the possibility of inferring information together with certain events (e.g. the covid19 pandemic and the war in Ukraine) have highlighted the fragility of					
				certain globalization phenomena also from the point of view of the 'protection' of production factors adn approaches to both					
				market and technology regulation. In this perspective, the course emphasizes the interconnections between different					
			Cybersecurity law? Data Law? Issues in	regulatory complexes (from the regulation of data and their sharing rules to rules related to cybersecurity and protection of					
			law and the security of markets,	national production assets) with each other and with the need to review and coordinate whole regulatory frameworks in the					
Comparative and International Law	Private comparative law	G. Comandè	infrastructures and societal resilience	light of these geopolitical and regulatory poyelties	english	10	1	Ш	
,				The course analyzes in a comparative perspective some of the foundations of the law of the digital economy, with a particular					
				emphasis on the most recent legislative reforms and landmark judicial decisions. After an introduction on the importance of					
				comparative law to understand the interaction between law and the digital economy, the course will revolve around three					
				clusters: (1) New subjects and new identities - with a focus on powers and liabilities of intermediaries, Al agents, digital					
Comparative and International Law	Private comparative law	Caterina Sganga	No Comparative law of the digital economy	personae; (2) New objects: regulating the (big) data (sharing) economy - with a focus on personal and non-personal data	English	20	2	1	
				sovereignty, territoriality, and the socio-economic order defined by national constitutions. The insulation and isolation of					
				national property systems has traditionally been protected through the private international law principle of lex rei sitae,					
				while no international treaties have ever intervened directly on the field. Even the Lisbon Treaty, despite the recurrent indirect interferences of EU law on national property laws, keeps on leaving property in the exclusive competence of Member					
				States. For comparative law scholars, property represents the area where the divide between civil and common law					
				traditions, and sometimes even between members of the same legal family, remains the hardest to bridge. However, in the					
Comparative and International Law	Private comparative law	Caterina Sganga	No Global property law	last few decades several factors have started undermining this construction, building an increasingly globalized property	English	10	1	1	
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				The course aims to analyze the main issues related to the implementation of the fundamental right to health: the role of the					
			picker, books and a con-	European Union in this field, the relationship between state and regions; models of integration between social and health policies. The issue of balancing the right to health with other fundamental rights and with the principle of budgetary balance					
Public Law	Costitutional Law	Elena Vivaldi	Right to health: people, territories, inequalities.	will also be addressed, also through the analysis of the most significant constitutional case-law.	english	10	1	ш	
Public Law	Costitutional Law	Liena vivaidi	mequanties.	wiii aiso be addressed, aiso tiii ougit tiie alialysis of tiie iiiost sigiiiitaant torisulutiolial tase-law.	engiisii	10	1		
				The course on 'The enforcement of Article 2 values: Comparing the European Union and federal systems' (36 hours) will					
				analyse the meaning of the individual values entrenched in Article 2 TEU – with a prevalent focus on dignity, democracy, and					
				the rule of law – the structure and purpose of the enforcement mechanism(s) in Article 7 TEU, and the search for alternative					
				mechanisms. Great attention will be devoted to the relevant case law of the Court of Justice and the practice of the EU's					
				institutions. After that, the course will focus on the role, if any, that constitutional clauses similar to Article 2 TEU have played					
			The enforcement of Article 2 values:	in constitutional orders generally described as federal. Great attention will be devoted to the possible uses of the basic principles or founding values of the overarching federal order when existential crises, e.g. secession crises, arise. The course is					
Public Law	Costitutional Law	Giacomo Delledonne	Comparing the European Union and federal systems'	part of the activities of the Jean Monnet Module ENACTING. A short seminar series will be organised parallel to the course.	English	20	20	1	
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				Verranna cancidarate a discusso alguna nubblicacioni recenti su tomi ganarali di diritto castituri					
				Verranno considerate e discusse alcune pubblicazioni recenti su temi generali di diritto costituzionale, dopo previa lettura da parte di ciascun partecipante. Il docente introduce l'incontro esponendo in modo critico i contenuti del lavoro e i partecipanti					
	Costitutional Law	E.Rossi	Letture di Diritto Costituzionale	parte di ciascun partecipante. Il docente introduce i incontro esponendo in modo critico i contenuti dei lavoro e i partecipanti partecipano al dibattito, se possibile alla presenza dell'autore.	Italian	10	1	1	
Public Law									

Public Law	Costitutional Law	E. Rossi		Letture di classici di Diritto Costituzionale	Il corso intende approfondire alcuni testi di riferimento della dottrina costituzionalistica. Anche in questo caso a ogni partecipante verrà chiesto di leggere il testo e il seminario consisterà in un confronto su di esso.	Italian	10	1	II	
Public Law	Public Law	Francesca Biondi Dal Monte	е	Reshaping citizenship in the case-law of the Court of Justice of the European Union	The course aims at investigating the evolution of the fundamental rights of EU citizens in the case-law of the Court of Justice of the European Union, devoting a specific attention to the recognition of rights related to social welfare (such as health, education, housing) and to the interplay between the EU citizenship and the status of third country nationals. Moreover, the most recent acts and policies of the European Union will be analysed, exploring their implementation in the EU Member States.	English	10	1	II	
Public Law	Public Law	Francesca Biondi Dal Monte	e	Open Data and Big Data in the Public	The course aims at analyzing the Open Government Data and its impact on transparency and accountability of public institutions. The course aims also at investigating the implications of the use of big data within the public sectors, devoting a particular attention to national Parliaments and EU Parliament. In particular, the course will analyze the current and possible uses of big data within the public decision-making processes across different policy areas. The course will also focus on the opportunities that can be given by the exploitation of open data and big data produced and made available by public institutions, in order to better understand their activities.	English	10	1	11	
Public Law	Administrative Law	Edoardo Chiti		Sector Designing Ecological Law: the European Green Deal and the Restoration of Ecosystems	This course takes seriously the ecological ambitions of the European Green Deal. It focusses on the institutional and substantive provisions of EU biodiversity legislations proposed by the Commission as the complex result of a series of political bargains, set within the broader context of the systemic changes brought about by the European Green Deal. By critically discussing the goals, instruments and contradictions of the new regulatory proposals, it explores the uneasy relationship between ecological law and the basic principles of conservation ecology, it asks whether the European Green Deal is actually paving the way for the restoration of a broad range of ecosystems, and it considers alternative regulatory options.	English	20	2	I	
Public Law	Administrative Law	Edoardo Chiti		'Anti-Administrative Thinking': Clarifying the Rationale of Administrative Law Through Radical Critique?	In the last decade, different strands of anti-administrative approaches have emerged, oriented to disable the administrative state and pointing to the dangers accompanying the expansion and renewal of administrative law. This course aims to reflect on the reasons explaining the emergence of such legal scholarship, its basic assumptions, ideology and possible impact on traditional administrative law thinking. It also asks whether anti-administrative thinking may indirectly help to clarify the normative foundations of administrative law and the multiple functions that it serves in contemporary polities.	English	10	1	п	
Criminal Law		Gaetana Morgante	Gaia Fiorinelli	Criminal law in the digital era: a conceptual framework	The course aims to involve participants in analyzing the evolution that criminal law had to go through – and is still going through – to adapt to some distinctive features of the s.c. "digital era". Overcoming those narratives that consider the technological phenomenon either being entirely new or completely irrelevant, for the purposes of criminal law, the course will instead focus on some traditional concepts of criminal law (i.e., perpetrator, victim/object of the crime, vulnerability, deception, instrument of the crime, organized crime, compliance,), to understand how they evolved due to the digital revolution. The analysis will be developed through the examination of international treaties, supranational regulatory tools, and national provisions, and through selected case studies. In the end, the reflection aims to identify some patterns – emphasizing either the distinctive features of new technologies or their impact on the societal dimension – and to aggregate them in a variety of conceptualizations of technologies, understanding how they can be meaningful in a purely legal perspective and arguing that every conceptualization of technology used in the legal discourse is not neutral.	eng	10	1	II.	
				AML compliance: a swot analysis	The course aims to the presentation of principles and rules of AML compliance in the perspective of the synergie between criminal law and administrative measures. The evaluation of the regulatory and preventive pattern of the legal framework concerning money-laundering will permit to highlight its strenghts and weaknesses also in comparison with different preventive systems			1		
Criminal Law Criminal Law		Gaetana Morgante Gaetana Morgante	Giuseppe Di Vetta	Avit. Compliance: a swot analysis Criminal Law and Critical Theories	The course deals with Critical Theory (CL) being applied to domestic and international criminal law understanding. After a brief overview about the current CL approaches (Social Justice; Critical Criminology; Third World Approach; Feminist approach and so forth), the course engages participants in working group sessions aimed at analyzing a number of crucial scholars' contributions.	eng	10	1	I II	
Criminal Law		di Martino		foundational concepts of criminal law compared	The course aims to discuss the internationalisation of criminal matters, its influence on foundational concepts and rules that determine the scope of criminal liability, as well as the 'reversed' influence of concepts -perceived as 'ontological' by their very nature- on the dialogue betwee national legal cultures. Students will be required to read the indicated texts in advance and discuss them in class in a dialogical manner. Keiler, Roef (eds), Comparative Conceps of Criminal Law, 2 ed., 2016; Fletcher, Basic Concepts of Criminal Law, 1998; Ambos et al (eds), Core Concepts in Criminal Law and Criminal Justice, I.II, CUP 2020-2022.	english- italian	20	2	II	

Interdisciplinary activities (only from II years)Optional-Shared with PHD in Human Rights	external lecturer			The course focuses on the principal skills necessary for academic writing. With practical exercises it deals with the main sections of an academic paper: abstract, introduction, discussion, results and conclusions. Other topics/techniques include typical academic language errors, the concept of readability, referee criteria, hedging and plagiarism.	English	10	1	Ш	
Interdisciplinary activities (only from II years)Optional- Shared with PHD in Human Rights	external lecturer		Public Speaking	This course provides participants with the fundamentals of speaking for preparing and delivering effective presentations.	English	10	1	=	
			Open Science and Research Data	The course covers all modern aspects of Open Science and provides the tools and standards required to embed Open Science in research workflows. After a brief overview of the foundations of key IP rights, data protection principles and non-personal data regimes, it focuses on the concept and application of Open Science in Horizon Europe, the ongoing reform of the research assessment system in the EU, meaning and practice of open access publishing and data FAIRification. Specific attention will be devoted to research data management, Data Management Plans, the use of existing Research Infrastructure (RI) to disseminate research data and other outputs, and the definition and implementation of the European Open Science					
Interdisciplinary activities (optional)	External lecturer	D. Amram; C. Sganga	Management	Cloud (EOSC).	english	12	1	- 1	