



UNIVERSITÀ DEGLI STUDI DI PAVIA
FACOLTÀ DI GIURISPRUDENZA

COURSE CATALOGUE
FOR
FOREIGN STUDENTS
ACADEMIC YEAR 2010/2011

UNIVERSITY OF PAVIA
FACULTY OF LAW
COURSE OF LAW

FACULTY OF LAW

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WARNING

**THE 1ST SEMESTER WILL START ON 27TH SEPTEMBER 2010
THE 2ND SEMESTER WILL START ON 28TH FEBRUARY 2011**

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COURSE OF LAW

Administrative Law, Part 1 (9 credits) (1st semester)

Lecturer: Prof. Bruno Tonoletti

Examination: Oral Examination

The course introduces students to the Administrative Law, considering the general principles of administrative activity and organization, recalling also the questions dealing with the law in action. During the lectures, particular attention will be given to public services in Communitarian Law. Teaching is also integrated with exercises.

Bibliography:

- D. Sorace, *Diritto delle amministrazioni pubbliche*, Bologna, Il Mulino, 2007 (or more recent editions);
- E. Ferrari (a cura di), *Attività economiche e attività sociali nei servizi di interesse generale*, Torino, Giappichelli, 2007, six chapters chosen by the students.

Administrative Law, Part 2 (9 credits) (2nd semester)

Lecturer: Prof. Bruno Tonoletti

Examination: Oral Examination

The course introduces students to the judicial review of administrative acts and to other remedies against administrative actions. Teaching is also integrated with exercises.

Bibliography:

- A. Travi, *Lezioni di giustizia amministrativa*, Torino, Giappichelli, 2010 (or more recent editions);
- E. Ferrari - M. Ramajoli - M. Sica (a cura di), *Il ruolo del giudice di fronte alle decisioni amministrative per il funzionamento dei mercati*, Torino, Giappichelli, 2006, three essays chosen by the students.

Banking Law (6 credits) (1st semester)

Lecturer: Prof. Mario Cera

Examination: Oral Examination

The course concerns the special laws relating to banks and financial institutions as laid down in «Testo Unico delle leggi in materia bancaria e creditizia», legislative decree 1st september 1993, n. 385 (and following amendments) and in «Testo Unico in materia di intermediazione finanziaria», legislative decree, 24 th February 1998, n. 58 (and following amendments) (as concerning the 1st, the 2nd and the 3rd part of the decree). Particular attention will be given to the statutory and contractual framework of banks and financial institutions, the laws and regulations concerning their business and the supervisory functions of the national authorities, in order to assess its private and public relevance and the effects of the special provisions on the taking up and pursuit of the business of credit and financial institutions. Students are invited to attend the lectures, because of the the continual evolution of the laws.

Bibliography:

The students attending the lectures can study notes and other materials given during the course. The students not attending the lectures can use A. Antonucci, *Diritto delle banche*, 4th edition, Milano 2009 (even if the program of the course and the book don't agree completely).

Bankruptcy Law (6 credits) (1st semester)

Lecturer: Prof. Fabio Marelli

Examination: Oral Examination

The program concerns the Bankruptcy Law, as amended by the Law No. 80/2005, by the Legislative Decree No. 5/2006, and by the Legislative Decree 169/2007. Lectures will be focused on the following topics: decision to start the liquidation procedure; effects of the decision on the debtor, the creditors, pending contracts; avoidance of prejudicial transactions; liquidation and distribution to the creditors; end of the procedure, discharge and agreements with the creditors.

Bibliography:

L. Guglielmucci, *Diritto fallimentare*, 3rd edition, Torino, Giappichelli, 2008, part I and II (chapters from 1 to 12).

Biolaw (3 credits) (2nd semester)

Lecturers: Prof. Giampaolo Azzoni (Co-ordinator)/Prof. Paolo Danesino

Examination: Oral Examination

The course aims to face the main juridical problems related to life sciences by examining the fundamental concepts of the general theory of law (natural person, corporeity, autonomy, solidarity, responsibility and so on) after the most recent developments of biology, medicine and pharmaceutical chemistry.

The course will develop into two parts, general and monographic. In the *general* part, the focus will be on the relation between living being and legality, especially as regards the problems related to the human corporeity. The *monographic* part will start by using the concepts known in the previous part to analyse the biological and juridical problems of new technology, such as informed consent, plastic surgery, doping, assisted reproduction, death and its recognition, refusal of therapy, euthanasia, biological will, transplants, clinical experimentation.

Bibliography:

All the materials will be distributed during lectures (and will be put online). Documents and essays are on the blog <http://blog.centrodietica.it> at the *category* "bioetica e biodiritto".

Canon Law (6 credits) (1st semester)

Lecturer: Prof. Maria Vismara

Examination: Oral Examination

The course aims to show the importance of Canon Law in the development of the legal culture, and therefore what is the role of confessional law in law studies. The lectures will focus on the historical evolution of the system, stressing on the reciprocal influences between Canon law and Civil law. Then, the attention will be put on the main characteristics of the system and its fundamental institutes. Part of the course will be dedicated to the institute of marriage, also considering the comparative point of view and the relation with the Civil law. The program of the course includes: 1. Canon Law and Legal culture; 2. Outline of the historical evolution of Canon system; 3. Sources of law; 4. Hierarchy of the Church; 5. People of God; 6. The Institute of Marriage.

Bibliography:

- L. Musselli, *Storia del diritto canonico*, Torino, Giappichelli, 2007;
- G. Feliciani, *Le basi del diritto canonico*, Bologna, Il Mulino, 2002;

- M.Tedeschi - L. Musselli, *Manuale di diritto canonico*, Bologna, Monduzzi, 2005, pages 101-232 (the parts written with small characters are not included for the following pages: 121-123, 125-126, 131, 135-138, 140, 162-166, 169-170). For the students attending the lectures, information will be given during the course.

Civil Law (12 credits) (1st semester)

Lecturer: Prof. Andrea Belvedere

Examination: Oral Examination

The course in Civil Law will focus on the topic of the Contract (general part), with particular emphasis on: the formation, the regulations and the invalidities. For exam purposes, it is necessary to possess knowledge of all the coursework on the Contract (general part) already achieved during the courses of Private Law Institutes.

Bibliography:

V. Roppo, *Il contratto*, Milano, Giuffrè, 2001, chapters V - X (pages 95-255), XIV - XXI (pages 329-506), XXII - XXIV (pages 509-561), XXXII - XL (pages 725-902), XLII - XLVI (pages 937-1036).

Civil Trial Law, Part 1 (9 credits) (1st semester)

Lecturer: Prof. Corrado Ferri

Examination: Oral Examination

The ordinary civil process of cognizance. General aspects of levy. The knowledge of the reforms taking effect in 2009 is requested.

Bibliography:

As regards the ordinary civil process of cognizance, L.P. Comoglio - C. Ferri - M. Taruffo, *Lezioni sul processo civile*, 5th edition, Bologna, Il Mulino, 2010, I; as regards levy, see II, chapters 11 and 13. If the new edition of the handbook is not available, G.P. Balena, *Istituzioni di diritto processuale civile*, I and II, Bari, Cacucci Editore, 2010, and, about levy, III, from page 75 to 105.

For reading, M. Taruffo, *La semplice verità. Il giudice e la costruzione del fatto*, Bari, Laterza, 2009; P. Biavati - C. Guarnieri - R. Orlandi - N. Zanon, *La giustizia civile e penale in Italia*, Bologna, Il Mulino, 2008, pages 1-195.

Civil Trial Law, Part 2 (6 credits) (2nd semester)

Lecturer: Prof. Michele Taruffo

Examination: Oral Examination

The subject matter of this course includes the most important types of special civil proceedings. Special attention will be paid to the proceedings concerning labour disputes. The knowledge of the reforms taking effect in 2009 is requested.

Bibliography:

L.P. Comoglio - C. Ferri - M. Taruffo, *Lezioni sul processo civile.. II. Procedimenti speciali, cautelari ed esecutivi*, 5th edition, Bologna, Il Mulino, 2010.

Moreover, by choice, one of these books:

- G. Tarzia, *Manuale del processo del lavoro*, 5th edition, Milano, Giuffrè, 2008;

- G. Tarzia - A. Saletti, *Il processo cautelare*, 3rd edition, Padova, Cedam, 2008, pages 1-108, 159-198, 199-248, 249-318.

For reading, M. Taruffo, *La semplice verità. Il giudice e la costruzione del fatto*, Bari, Laterza, 2009.

For updating, F. Carpi - M. Taruffo, *Commentario breve al codice di procedura civile*, 6th edition, Padova, Cedam, 2009.

Commercial Criminal Law (6 credits) (1st semester)

Lecturer: Prof. Sergio Seminara

Examination: Oral Examination

The programme includes a general introduction to the subject, the analysis of personal and corporative liability in relation to economic problems, and then a close examination of Criminal Corporate Law and Financial Market Law.

Bibliography:

- E. M. Ambrosetti - E. Mezzetti - M. Ronco, *Diritto penale dell'impresa*, 2nd edition, Bologna, Zanichelli, 2009, pages 1-306

o, by choice,

- R. Zannotti, *Il nuovo diritto penale dell'economia*, 2nd edition, Milano, Giuffrè, 2008, pages 3-218, 271-321, 355-359, 375-443.

As concerns the auditor's criminal liability, the students must consider the reform introduced by the articles 27-31, Legislative Decree 27 gennaio 2010, number 39.

Commercial Law, Part 1 (9 credits) (1st semester)

Lecturer: Prof. Giuseppe Zanarone

Examination: Oral Examination

The main purpose of the course is to provide an outline of Italian law related to both partnerships (società di persone) and companies (società di capitali).

Bibliography:

AA.VV., *Diritto commerciale*, Monduzzi, Bologna, 2007, but chapter XVI (the sixth edition will be available since the end of September 2010).

Commercial Law, Part 2 (6 credits) (2nd semester)

Lecturer: Prof. Giuseppe Zanarone

Examination: Oral Examination

The course deals with a single type of Italian business organizations: the private limited company (società a responsabilità limitata), whose main features will be closely scrutinized. Suggestions for further investigations will be given during exercises.

Bibliography:

O. Cagnasso, *La società a responsabilità limitata*, in G. Cottino (diretto da), *Trattato di diritto commerciale*, V, Cedam, Padova, 2007 (but chapter X).

Comparative Civil Procedure (6 credits) (2nd semester)

Lecturer: Prof. Fabio Rota

Examination: Oral Examination

The goal of this course is to introduce students to the rules and practices of civil procedure applied in the major legal systems, and to the problems faced by these systems. The students can do individual researches on topics defined with the Lecturer, on condition that their knowledge of one foreign language (among English, French, German and Spanish) is sufficient.

The attendance of the lectures is advisable. The passing of Civil Trial Law is the condition to be admitted to the examination.

Bibliography:

- V. Varano - V. Barsotti, *La tradizione giuridica occidentale*, I, *Testo e materiali per un confronto civil law common law*, 3rd edition, Torino, Giappichelli, 2010: chapter III;
- V. Varano (a cura di), *L'altra giustizia*, Milano, Giuffrè, 2007, pages 1-103; 129-156; 255-270.
- Lecture notes will be available after the beginning of the course; instead of lecture notes, O. Chase - H. Hershkoff (gen. eds.), *Civil Litigation in Comparative Context*, Thomson West, St. Paul, Minn., 2007 (information about the parts to study will be given during the course).

Comparative Law (9 credits) (2nd semester)

Lecturer: Prof.ssa Alba Negri

Examination. Oral Examination

The course outlines the structure of the main European and non-European legal systems through an historical-comparative approach, offering a landscape of the ways in which those systems work nowadays.

Bibliography:

L. Acquarone, F. Annunziata, R. Cavalieri, G.F. Colombo, M. Mazza, A. Negri, L. Passanante, G. Rossolillo, L.Sempi, *Sistemi giuridici nel mondo*, Torino, G. Giappichelli Editore, 2010, pages 1-307.

Comparative History of Public Administration (6 credits) (1st semester)

Lecturer: Prof. Pietro Vincenzo Aimo

Examination: Oral Examination

The course is focused on the evolution of public administration in Italy between the nineteenth and twentieth centuries. It will also analyse the historical development of administrative systems of Great Britain, France, Germany and Spain.

Bibliography:

1) P. Aimo, *Stato e poteri locali in Italia 1848-1995*, Roma, Carocci, 2010.

2) One book among the following:

- P. Aimo, *Il centro e la circonferenza. Profili di storia dell'amministrazione locale*, Milano, Franco Angeli, 2005, pages 83-170, 189-258;
- P. Aimo, *La giustizia nell'amministrazione dall'Ottocento a oggi*, Roma-Bari, Laterza, 2000, pages 3-135;
- S. Sepe - L. Mazzone - I. Portelli - G. Vetritto, *Lineamenti di storia dell'amministrazione italiana (1861-2002)*, Roma, Carocci, 2003, pages 11- 157;
- F. Bonini, *Storia della pubblica amministrazione in Italia*, Firenze, Le Monnier, 2004, pages 1-144;
- G. Astuto, *L'amministrazione italiana. Dal centralismo napoleonico al federalismo amministrativo*, Carocci, Roma, 2009, pages 17-172;
- F. Dreyfus, *L'invention de la bureaucratie: servir l'État en France, en Grand-Bretagne et aux États-Unis, 18-20 siècle*, Paris, La Découverte, 2000, pages 9-48; 73-113; 169-188; 203-237;

- J.C.N. Raadschelders, *Handbook of administrative history*, London, Transaction publishers, 1998, pages 3-17; 87-191; 217-245.

The students attending the course can replace the second text with the notes taken during the lectures.

Comparative Public Law (9 credits) (2nd semester)

Lecturer: Prof. Gianpaolo Parodi

Examination: Oral Examination

The course is designed to introduce students to a comparison between the Constitutional Law of the main European and Common Law legal systems and the Italian Constitutional Law. The main issues of the course are the following: federal and regional systems; forms of government; sources of law; judicial review of legislation in the European and North-American legal systems.

Bibliography:

P. Carrozza - A. Di Giovine - G.F. Ferrari, *Diritto costituzionale comparato*, Roma-Bari, Laterza, 2009 (pages 61-103, 127-266, 298-333, 645-673, 705-852, 953-1078). Students are invited to consult G. Cerrina Feroni, T.E. Frosini, A. Torre, *Codice delle Costituzioni*, Torino, Giappichelli, 2009.

Constitutional Law (A – L) (10 credits) (1st semester)

Lecturer: Prof. Francesco Rigano

Examination: Oral Examination

The course deepens the fundamental principles of Italian Constitutional Law from an historical perspective and also within the context of the European Union integration. Particularly, the course deals with the study of constitutional principles, form of government, sources of law, rights and freedom in the context of the Italian legal system.

Bibliography:

R. Bin - G. Pitruzzella, *Diritto costituzionale*, 11th edition, Torino, Giappichelli, 2010. For normative references: E. Bettinelli e G. Sacco (a cura di), *L'ordinamento repubblicano*, Pavia, Ibis, 2009.

Constitutional Law (M – Z) (10 credits) (1st semester)

Lecturer: Prof. Ernesto Bettinelli

Examination: Oral Examination

The course focuses on the following subjects:

- the setting of the Modern and Contemporary State;
- the origin of the Italian State: from Statuto Albertino to Costituzione repubblicana;
- constitutional organization of the State;
- the relations between individuals and authorities;
- the sources of law;
- private, public and institutional autonomies.

Bibliography:

Students have to choose one book between the following:

- R. Bin - G. Pitruzzella, *Diritto costituzionale*, 11th edition, Torino, Giappichelli, 2010.

- P. Caretti - U. De Siervo, *Istituzioni di diritto pubblico*, Torino, Giappichelli, last edition.

For normative references: E. Bettinelli e G. Sacco (a cura di), *L'ordinamento repubblicano*, Pavia, Ibis, 2009. More information on the website <http://costituzionale.unipv.it/bettinelli>.

Constitutional System and Institutes of Control (3 credits) (2nd semester)

Lecturer: Prof. Ernesto Bettinelli

Examination: Oral Examination

Teaching will be based mainly on the case law. The course concerns these subjects:

- the assent of the President of Republic;
- the powers of the Corte dei Conti/Court of Auditors on the acts of the Government;
- the Consiglio di Stato/State Council as a consultative body (especially, compulsory advisory opinions).

Bibliography

Information during the course.

Corporate Governance, Accounting and Law (3 credits) (2nd semester)

Lecturers: Prof. Mario Cera (Co-ordinator), Prof. Giuseppe Zanarone

Examination: Oral Examination

The course concerns governance and accounting of business corporations. The main topics are: fundamental principles; formation, drawing up, and reading of balance; liabilities. Exercises during the lectures.

Bibliography:

Bibliography will be indicated during the course.

Criminal Law, Part 1 (9 credits) (1st semester)

Lecturer: Prof.ssa Cristina De Maglie

Examination: Oral Examination

Crime and punishment; crime requirements.

Bibliography:

D. Pulitanò, *Diritto penale*, Torino, Giappichelli, last edition (for the part not included, see the Italian version of the Course Catalogue). It's necessary the reference of the Criminal Code.

Criminal Law, Part 2 (6 credits) (2nd semester)

Lecturer: Prof. Sergio Seminara

Examination: Oral Examination

Personal torts and property torts; administrative torts.

Bibliography:

- G. Fiandaca - E. Musco, *Diritto penale, parte speciale*, II, I, 2nd edition, Bologna, Zanichelli, 2008, pages 1-104, 115-165, 197-230;

- G. Fiandaca - E. Musco, *Diritto penale, parte speciale*, II, II, 5th edition, Bologna, Zanichelli, 2007, pages 1-114, 117-136, 147-200, 216-232;

- G. Fiandaca - E. Musco, *Diritto penale, parte speciale*, I, 4th edition, Bologna, Zanichelli, 2008, pages 167-182, 206-242.

Criminal Trial Law, Part 1 (9 credits) (2nd semester)

Lecturer: Prof. Vittorio Grevi

Examination: Oral Examination

The course will focus on Italian Criminal Procedure, in the light of the Italian Criminal Code, the Italian Constitution and the European Convention of Human Rights.

Bibliography:

G. Conso - V. Grevi, *Compendio di procedura penale*, 4th edition, Padova, Cedam, 2008, chapters I-III, V-VII (a new edition is expected for September). It is necessary the employment of the Criminal Procedure Code, updated with the last normative innovations and the last decisions of Constitutional Court.

Criminal Trial Law, Part 2 (6 credits) (1st semester)

Lecturer: Prof.ssa Livia Giuliani

Examination: Oral Examination

The course deepens some aspects of Italian Criminal Procedure, as introduced in Criminal Trial Law (Part 1). The focus will be on precautionary measures; the ways of contest and the enforcement of a judgement; the relation with the foreign authorities.

Bibliography:

G. Conso - V. Grevi, *Compendio di procedura penale*, 4th edition, Padova, Cedam, 2008 (or more recent edition, if available), chapters IV and VIII-XI.

Criminology (6 credits) (2nd semester)

Lecturer: Prof.ssa Silvia Larizza

Examination: Oral Examination

The aim of the course is to analyse the main aspects of criminological issues. The first part deals with criminology as a criminal science, and, in particular, its relations with criminal politics and criminal law. Then the focus will be on the most significant trends of criminological thought, with particular attention to the explanations of criminal behaviour. The stress will be, above all, on the causes of criminal behaviour, on the problem of its control and finally on the present crisis of the Italian Criminal System. During the course, the last projects of law regarding problems of criminological interest will be analysed.

Bibliography:

G. Forti, *L'immane concretezza: metamorfosi del crimine e controllo penale*, Milano, Raffaello Cortina Editore, 2000:

-Part 1: chapter 1, §§ 1-3 (pages 27-37); §§ 7-11 (pages 50-100); chapter 2, §§ 1-9 (pages 101-182);

-Part 2: chapter 1, §§ 1-5 (pages 191-273); chapter 2, §§ 1-3 (pages 297-346); § 7 (pages 375-379); § 9 (pages 391-423); § 11 (pages 439-473); § 12 (pages 481-499).

Ecclesiastical Law (6 credits) (2nd semester)

Lecturer: Prof. Luciano Musselli

Examination: Oral Examination

The program is divided into two main topics: 1) Evolution of the relation between Church and State, as concerning European and Italian experience and the development of Ecclesiastical law; 2) Relation between society and policy, from one hand, and Church and religious confessions, from the other hand, as regards marriage, school, freedom of religion, financial support and so on. A part of the course will be dedicated also to the problems connected to the diffusion of other religious confessions (above all, Islam). Finally, the stress will be on the relation between State and religious confessions in European Union.

Bibliography:

- L. Musselli, *Dai concordati alla problematica islamica. Religione e diritto in Italia ed in Europa*, 2nd edition, Pavia, La Goliardica, 2006;
- L. Musselli, *Chiesa e Stato dalla resistenza alla costituente*, Torino, Giappichelli, 2010, chapters II and III (pages 29-122).

Economic Analysis of Law (3 credits) (1st semester)

Lecturer: Prof. Emilio Gerelli

Examination: Oral Examination

The course aims at developing a critical vision of law by applying economic instruments to it. This approach shall be useful to jurists in order to solve practical problems in a creative way. Topics developed during the course will be: the law as a source of economic incentives, the limits of public intervention, civil liability, the economy of criminal law, the economy of corruption, the law on *class action*. The preparation for the examination will be progressive and ensured by several testes during the lectures.

The Lecturer receives the students by agreement at the Dipartimento di Economia pubblica e territoriale (e-mail: gerelli@unipv.it).

Bibliography:

Examination will be on subjects and materials given during the lectures.

Economics (A – L) (9 credits) (1st semester)

Lecturer: Prof. Rodolfo Jannaccone Pazzi

Examination: Oral Examination

The course develops into two parts: the first deals with the birth and the historical evolution of the modern economic systems, the second concerning Microeconomics.

Bibliography:

For the first part of the course, lecture notes are available on the site of the Faculty of Law (*I modi di produzione e l'organizzazione dei sistemi economici: un'interpretazione evolutiva*); other materials will be distributed by the Lecturer. For the second part of the course, N. Gregory Mankiw, *Principi di Microeconomia*, Zanichelli, 2007 (chapters 8, 9 and 22 only for reading).

The Lecturer receives at the Dipartimento di Economia pubblica e territoriale, Corso Carlo Alberto 5, Pavia, tel. 0382/984411, fax 0382/984402, e-mail: jannaco@unipv.it.

Economics (M – Z) (9 credits) (1st semester)

Lecturer: Prof. Italo Magnani

Examination: Oral Examination

The course refers to the following text book:

P. A. Samuelson – W. D. Nordhaus – Carlo A. Bollino, *Economics*, 19th edition, McGraw-Hill Libri Italia, Milano, giugno 2009 (part I, chapters 1-3, pages 1-74; part II, chapters 4-8 and 11, pages 75-180 and 233-254; chapters 9-10, pages 181-232, are optional; part V, chapters 18-24, pages 391-560; chapter 33, pages 741-762, is optional).

The students attending the course can replace the part II with the following textbook:

I. Magnani, *Appunti di microeconomia*, pages 1-332 (available at the Dipartimento di Economia pubblica e territoriale).

Bibliography:

Part One: Basic Concepts (chapters 1-3).

Part Two: Microeconomics: Supply, Demand, and Product Markets (chapters 4-10).

Part Five: Macroeconomics: Economic Growth and Business Cycles (chapters 20-26).

English Language (5 credits) (2nd semester)

Lecturer: Prof.ssa Elena Montagna (A-L)

Lecturer: Prof. Randolph Davidson (M-Z)

Cel.: Sheila McVeigh (practises)

Examination: Oral Examination

The aim of the course is to give the students basic linguistic competences regarding General English and Legal English. During the lectures the students will be given the fundamentals regarding the language of law, economy and commerce. The activities of tutoring will be centred on General English starting from a pre-intermediate level to reach an advanced level at the end of the course.

The final test consists in a written test and an oral examination.

Bibliography

- For the oral examination, G. Garzone - R. Salvi, *Legal English*, 2nd edition, Milano, Egea, 2007;
- For the middle test, suggestions will be given during the course: however, students are suggested to study, as grammar books, R. Murphy, *English Grammar in use*, Cambridge; L. G. Alexander, *Longman English Grammar Practice*, Longman; M. Hewings, *Advanced Grammar in use*, Cambridge; *Working with grammar* Gold Edition, Longman; and, as dictionaries, *Oxford Advanced Learners*, Oxford; *Longman Contemporary English*, Longman; *Cambridge International Dictionary of English*, Cambridge; *Il Nuovo Ragazzini*, It/Ingl, Ingl/It, Bologna, Zanichelli; F. de Franchis, *Dizionario Giuridico-Law Dictionary*, I, Milano, Giuffrè, 1984; *Law and Commercial Dictionary*, Bologna, Zanichelli/West, 1988.

European Union Law (9 credits) (2nd semester)

Lecturer: Prof.ssa Giulia Rossolillo

Examination: Oral Examination

The course examines structure and functioning of the European Union, as expressed in the treaties and in the case law of the European Court of Justice. The first part concentrates on institutional issues, whereas the second half of the course concerns freedom of circulation and the regulation of competition.

Bibliography:

For the institutional part, R. Adam - A. Tizzano, *Lineamenti di diritto dell'Unione europea*, 2nd edition, Torino, Giappichelli, 2010. For the special part, U. Draetta - N. Parisi, *Elementi di diritto dell'Unione*

europa, Milano, Giuffrè, 2010, pages 99-210. For examination in English, C. Hartley, *The Foundations of European Union Law*, 7th edition, Oxford, Oxford University Press, 2010.

Family Law (3 credits) (1st semester)

Lecturer: to be defined

Examination: Oral Examination

The course concerns the main themes of Family Law, as especially regards practical aspects. The subjects will be the following: patrimonial relations between the partners; familiar enterprise, divorce from bed and board and divorce.

Bibliography

Michele Sesta, *Diritto di Famiglia*, Padova, Cedam, last edition,: chapters I, IV, V, VI, VII and VIII.

Forensic Medicine (3 credits) (1st semester)

Lecturer: Prof. Cristiano Barbieri

Examination: Oral Examination

The focus of the course will be on the relations between medical and juridical sciences. The subjects that will be discussed during the lectures are: Criminal Forensic Medicine, Civil and Canon Forensic Medicine; Necroscopic Medicine; Professional Liability; Forensic Genetics and Forensic Toxicology; Clinical Criminology and Forensic Psychopathology.

Bibliography:

- F. De Ferrari - L. Palmieri (a cura di), *Manuale di Medicina Legale*, Giuffrè, Milano, 2007 (only the subjects discussed during the course);

- A. Verde - C. Barbieri (a cura di), *Narrative del male. Dalla vita alla fiction, dalla fiction alla vita*, Franco Angeli, Milano, 2010 (only the subjects discussed during the course).

Other materials will be distributed during the lectures.

For any other information: 0382.987800 – 333.5635083 (info@barbiericristiano.it).

General Theory of Law (9 credits) (2nd semester)

Lecturer: Prof. Giampaolo Azzoni

Examination: Oral Examination

The course explores the main concepts through which the law is thought and experimented. The course implies, above all, the reading and the comment of some key essays written by jurists, by theoreticians of law and by other experts who have studied legality as the central and peculiar aspect of the human behaviour. The course is integrated with optional seminars on *Archaeology of European Law*.

Bibliography:

For the students attending the lectures, in addition to lecture notes, the following books:

- A.G. Conte - P. Di Lucia - L. Ferrajoli - M. Jori (a cura di), *Filosofia del diritto*, Milano, Raffaello Cortina Editore, 2002: the essays written by W. N. Hohfeld (pages 33-43), E. Ehrlich (pages 45-54), G. Del Vecchio (pages 55-71), H. Kelsen (pages 93-109), G. Radbruch (pages 149-163), G. Capograssi (pages 165-176), A. Pigliaru (pages 191-197) and by A. Ross (pages 199-214);

- Sofocle, *Antigone*, a cura di G.E. Manzoni, Brescia, Morcelliana, 2007.

The students attending the lectures can also write a report on one of the subjects discussed during the course or the seminars. Other materials on the site <http://blog.centrodietica.it>.

For the students not attending the lectures:

- N. Bobbio, *Teoria generale del diritto*, Torino, Giappichelli, 1993;
- F. Di Blasi - P. Heritier (a cura di), *Vitalità del diritto naturale*, Palermo, Phronesis editore, 2008, as regards: Introduzione (pages VII-XIII); the essays written by H.B. Veatch (pages 3-34), F. Di Blasi (pages 41-61), G. Azzoni (pages 161-206), C. Lottieri (pages 213-244) and D. Antiseri (pages 317-335). The suggestion is to start from the book written by N. Bobbio.

History of Codifications (12 credits) (1st semester)

Lecturer: Prof. Ettore Dezza

Examination: Oral Examination

History of Criminal Procedure: models and sources: a) the Ius Commune age; b) the Common Law; c) the codification age in Europe and Italy.

Bibliography:

The students attending the lectures will prepare the examination on notes and on the following books:

- E. Dezza, *L'avvocato nella storia del processo penale*, in *Un progetto di ricerca sulla storia dell'avvocatura*, a cura di G. Alpa e R. Danovi, Bologna, il Mulino, 2003, pages 111-134;
- E. Dezza, *Il nemico della Verità. Divieto di difesa tecnica e giudice factotum nella codificazione penale asburgica (1768-1873)*, lecture notes disposable at the Department of Roman Law, History and Philosophy of Law;
- E. Dezza, *Breve storia del processo penale inglese*, Torino, Giappichelli, 2009.

The students not attending the lectures can prepare the examination by using the following texts:

- E. Dezza, *Il nemico della Verità. Divieto di difesa tecnica e giudice factotum nella codificazione penale asburgica (1768-1873)*, lecture notes available at the Department of Roman Law, History and Philosophy of Law;
- E. Dezza, *Breve storia del processo penale inglese*, Torino, Giappichelli, 2009;
- A. Padoa Schioppa, *Storia del diritto in Europa. Dal medioevo all'età contemporanea*, Bologna, Il Mulino, 2007, as regards: IV. L'età delle riforme (1750-1814), chapters 27-31; V. L'età delle nazioni (1815-1914), chapters 32-36; VI. Il Novecento, chapters 37-41. Instead of A. Padoa Schioppa's book, the student can choose this text: A. Cavanna, *Storia del diritto moderno in Europa. Le fonti e il pensiero giuridico*, II, Milano, Giuffrè, 2005, as regards pages 253-617.

History of Nineteenth-Century Codifications (6 credits) (1st semester)

Lecturer: Prof. Ettore Dezza

Examination: Oral Examination

This course is reserved to the students who didn't put History of Codifications in their curriculum of studies and is replaced by this course itself.

Bibliography

The students attending the lectures can prepare the examination by using the notes and the following books:

- E. Dezza, *Il nemico della Verità. Divieto di difesa tecnica e giudice factotum nella codificazione penale asburgica (1768-1873)*, lectures notes available at the Department of Roman Law, History and Philosophy of Law;
- E. Dezza, *Breve storia del processo penale inglese*, Torino, Giappichelli, 2009.

The students not attending the lectures can prepare the examination by using A. Padoa Schioppa, *Storia del diritto in Europa. Dal medioevo all'età contemporanea*, Bologna, Il Mulino, 2007, as regards: IV. L'età delle riforme (1750-1814), chapters 27-31; V. L'età delle nazioni (1815-1914), chapters 32-36; VI. Il Novecento, chapter 37, or A. Cavanna, *Storia del diritto moderno in Europa. Le fonti e il pensiero giuridico*, II, Milano, Giuffrè, 2005, pages 395-617.

History of Italian Law (9 credits) (2nd semester)

Lecturer: Prof. Ettore Dezza

Examination: Oral Examination

History of Law in Europe: a) the early Middle Ages; b) the Ius Commune age; c) the Common Law; d) the modern Codification.

Bibliography:

- A. Padoa Schioppa, *Storia del diritto in Europa. Dal medioevo all'età contemporanea*, Bologna, Il Mulino, 2007, as regards: II. L'età del diritto comune classico (secoli XII-XV), chapters 7-16; III. L'età moderna (secoli XVI-XVIII), chapters 17-26; IV. L'età delle riforme (1750-1814), chapters 27-31. Instead of A. Padoa Schioppa's book, by choice: A. Cavanna, *Storia del diritto moderno in Europa. Le fonti e il pensiero giuridico*, I, Milano, Giuffrè, last edition, as regards: Part 1, chapter I, § 1 (pages 21-24), chapter II (pages 33-65), chapter IV, §§ 1-3 (pages 78-87), chapter V (pages 95-104), chapter VI (pages 105-136), chapter VII (pages 137-145), chapter VIII, §§ 1-3 (pages 146-163), § 5 (pages 166-171), chapter IX (pages 172-190); Part 2, chapter I, § 1 (pages 193-197), chapter II, § 4 (pages 247-251), chapter III, § 2 (pages 254-258), §§ 5-7 (pages 269-282), § 9 (pages 287-293), chapter IV, § 4 (pages 310-318), chapter V, § 2 (pages 325-337), chapter VI, §§ 1-4 (pages 338-369); third part, chapter II (pages 391-409), chapter III, § 2 (pages 415-416), §§ 4-5 (pages 420-427), chapter IV, §§ 3-4 (pages 434-442), chapter V, § 2 (pages 445-447), §§ 9-10 (pages 460-466), chapter VII, §§ 1-7 (pages 479-516), chapter VIII (pages 530-546), chapter IX (pages 547-554), chapter XI (pages 567-583), chapter XII (pages 584-610).
- E. Dezza, *Lezioni di Storia della codificazione civile. Il Code Civil (1804) e l'Allgemeines Bürgerliches Gesetzbuch (ABGB, 1812)*, Torino, Giappichelli, 2000, pages 5-106 and 125-162.

History of Modern and Contemporary Law (6 credits) (1st semester)

Lecturer: Prof.ssa Marzia Lucchesi

Examination: Oral Examination

The course is dedicated to the history of codification in Italy from Restoration to present codes, particularly the background that has inspired the civil codification. Exercises during the course.

Bibliography:

- C. Ghisalberti, *Unità nazionale e unificazione giuridica in Italia. La codificazione del diritto nel Risorgimento*, last edition, Roma-Bari, Laterza, pages 147-313 (suggested to read: pages 1-146, regarding subjects discussed during the course of History of Italian Law);
- C. Ghisalberti, *La codificazione del diritto in Italia (1865-1942)*, last edition, Roma-Bari, Laterza, pages 3-292.

The study of the materials doesn't include the footnotes.

The students attending the course, taking part at the seminars, will be examined on the basis of a plan of studying defined with the Lecturer, also considering researches and reports exposed at the end of the course.

History of Roman Law (6 credits) (1st semester)

Lecturer: Prof. Valerio Marotta

Examination: Oral Examination

The course concerns the evolution of Roman Constitution during Imperial Age, from Augustus to Constantine. The subjects of the course are: 1. Introduction: Magistracy and Authorities in Republican Rome; 2. The Principate under Augustus; 3. *Imperium* and Tribunitian power; 4. The Roman Empire

during the first Century A.C.; 5. The *Lex de Imperio Vespasiani*; 6. The Princeps and the *Res Publica*: the Senate and the Magistracy; 7. The government of the Roman Empire; 8. The transmission of Imperial power under the first and the second centuries A.C.; 9. The *Lex de Imperio* in the light of the jurists' thought in Antonine and Severian Age; 10. The crisis of the Third Century; 11. Gallieno's innovations; 12. The monarchy under Aurelianus; 13. Diocletianus and the tetrarchy; 14. Constantine's new Empire.

Bibliography:

For the students attending the lectures:

V. Marotta, *La trasmissione del potere imperiale (secoli I a.C. – IV d.C.). Appunti* (lecture notes and other materials will be given during the course).

For the students not attending the lectures:

V. Marotta, *La cittadinanza romana in età imperiale (secoli I – III d.C.). Una sintesi*, Torino, Giappichelli, 2009

or

A. Schiavone, *Ius. L'invenzione del diritto in Occidente*, Torino, Einaudi, 2005, pages 41-337.

The students can agree with the Lecturer on other program.

Information Technology and the Law (6 credits) (1st semester)

Lecturer: Prof. Romano Oneda

Examination: Oral Examination

The course – who will be kept at the Aula Magna of Ghislieri College (Centro di Informatica giuridica: <http://www.ghislieri.it/pagina.php?n=105>) - aims to offer the students the chance of a secure approach to those arguments of the Italian laws that can be preliminarily faced only with a not superficial knowledge of computer science and some cryptographic acquaintances. These are arguments of essential relief in the legal world, whose significance extends constantly in parallel with the spread of the computer science technology, as the electronic documentation, the 'dematerialization', the electronic signature, the certified mail, the electronic identity card, and so on. The possession of these acquaintances constitutes one important and characterizing share of the curriculum of the student in jurisprudence, also in perspective of the future professional activities.

The student begins to deal with these themes through a preliminary training, that regards those arguments of basic Computer science that more specifically constitute indispensable instrumentation for the successive laboratorial activity.

The normative witnesses object of examination in the course are mainly the Unified Body of Laws on administrative documentation (TUDA, D.P.R. 28/12/2000 n. 445), the Code of the digital administration (CAD, D.Lgs. 7/3/2005, n.82) and the technical Rules on informatical documents (D.P.C.M. 30/3/2009).

The theoretical instruction is constantly supported by practices of laboratorial type, in which the student is led step by step towards the use of instrumentation specific software for the analysis of the computer science structures on the digital certificates, and so on.

It is also available a service of technical advising, a specific mailing list and specifically didactic-oriented software, as support to the practices of the students; we also refer to the website <http://informaticagiuridica.unipv.it>, on which the detailed program of the course will soon be published.

The seminar taking place in November is subject of examination.

Bibliography:

- Lecture notes (available, at the end of the course, by registration in the *mailing list* 2011 on the website <http://informaticagiuridica.unipv.it>);
- R. Borruso - S. Russo - C. Tiberi, *L'informatica per il giurista (dal bit a Internet)*, 3rd edition, Milano, Giuffrè, 2009.

The students attending at least the 75% of the course hours will study the pages 11-102; 241-289; 395-435. The students not attending the lectures will study pages 11-435.

Intellectual Property and Competition Law (6 credits) (2nd semester)

Lecturer: Prof. Luigi Carlo Ubertazzi

Examination: Oral Examination

The course aims to cover all the fundamental features of Intellectual Property and Competition Law (Competition Law, Unfair Competition Law, Intellectual Property Rights). It is mainly focused on Copyright and Advertising Law. The goal of the course is to provide students with the fundamental knowledge of the Competition Law features, and to teach how to use the research instruments typical of Intellectual Property, for example by preparing a written research on a specific topic.

Bibliography:

L.C. Ubertazzi, *Codice della proprietà industriale*, in L.C. Ubertazzi, *Commentario breve alle leggi su proprietà intellettuale e concorrenza*, 4th edition, Padova, Cedam, 2007, pages 1-8, 20-167, 216-318. It's also suggested the reference to an updated Civil Code, such as G. De Nova, *Codice civile e leggi collegate*, Bologna, Zanichelli, last edition. A continued and profitable attendance to classes will be taken into account in the final exam: and will allow the student to omit some parts of the program, which will be suggested during the course.

International Law (12 credits) (1st semester)

Lecturer: Prof.ssa Cristina Campiglio

Examination: Oral Examination

Private International Law (general questions in conflict of laws) and Public International law.

Bibliography:

- B. Conforti, *Diritto internazionale*, 7th edition, Napoli, Editoriale Scientifica, 2006, pages 3-404;
- F. Mosconi - C. Campiglio, *Diritto internazionale privato e processuale, Parte generale e contratti*, 5th edition, Torino, Utet, 2010, pages 1-35, 153-272, 371-423.

Students can find normative references in:

- R. Luzzato - F. Pocar, *Codice di diritto internazionale pubblico*, 4th edition, Torino, Giappichelli, 2006;
- R. Clerici - F. Mosconi - F. Pocar, *Legge di riforma del diritto internazionale privato e testi collegati*, 6th edition, Milano, Giuffrè, 2009.

The students attending the course can use also the slides shown during the course.

The students who choose the course of " International and Comparative Law" are suggested to use A. Cassese, *International Law*, 2nd edition, Oxford, Oxford University Press, 2005, instead of B. Conforti's. In this case, the program will be defined with the Lecturer.

International Commercial Law (6 credits) (2nd semester)

Lecturer: Prof.ssa Giulia Rossolillo

Examination: Oral Examination

The aim of the course is to analyse, in the first part, the main aspects of International Commercial Law, as especially regards the private international rules related to contracts, the transnational circulation of goods and investments abroad. The second part of the course stresses on the different ways of international disputes and, particularly, the features and the working of international arbitration.

Bibliography:

F. Galgano - F. Marrella, *Diritto del commercio internazionale*, Padova, Cedam, 2006, pages 27-90; 155-351; 659-679; 713-750.

Institutes of Roman Law (9 credits) (1st semester)

Lecturer: Prof. Dario Mantovani (A-L)

Lecturer: Prof. Luigi Pellicchi (M-Z)

Examination: Oral Examination

The course leads to the elementary knowledge of Roman private law and procedure. It is both technically oriented and prepares the student for the proper understanding of Roman Law in its context. The main topics are: the law of persons and family law, juridical acts, the law of property, the law of obligations, the law of inheritance, the protection of rights (especially, the formulary procedure).

Bibliography:

- M. Marrone, *Istituzioni di diritto romano*, 3rd edition, Palermo, Palumbo, 2006;
- for trial forms, D. Mantovani, *Le formule del processo privato romano. Per la didattica delle Istituzioni di diritto romano*, 2nd edition, Padova, Cedam, 1999 (Italian translation: pages 193-225).

International Organization (6 credits) (1st semester)

Lecturer: Prof.ssa Cristina Campiglio

Examination: Oral Examination

The course is divided into two parts: one is general, the other one is monographic. The first part is dedicated to the International Community and other forms of cooperations among the States (above all, United Nations Organization). The second part is focused on International Protection of Human Rights. A module of the course is also dedicated to International Humanitarian Law and includes exercises with the help of the Red Cross Instructors.

Bibliography:

- C. Focarelli - B. Conforti, *Le Nazioni Unite*, 8th edition, Padova, Cedam, 2010, pages 1-142, 150-305, 422-435;
- C. Zanghi, *La protezione internazionale dei diritti dell'uomo*, 2nd edition, Torino, Giappichelli, 2006, pages 84-122, 174-184 and 204-274.

The students attending the lectures can present short reports on particular topics, so reducing the program for examination.

The students choosing the course of International and Comparative Law are suggested to use B. Conforti, *The Law and Practice of the United Nations*, Third Revised Edition, Leiden, Martinus Nijhoff Publishers, 2005, pages 1-118, 125-216, 302-312.

Islamic Law and European Legal Tradition (3 credits) (2nd semester)

Lecturers: Prof.ssa Cristina Campiglio (Co-ordinator)/Prof.ssa Silvia Larizza/Prof. Luciano Musselli

The course will be divided into three parts: 1) Sources of Islamic Law; Marriage; Problems of Public Law (L. Musselli); 2) Principles of Criminal Law (S. Larizza); 3) Islamic Law, International Law and Human Rights (C. Campiglio).

Bibliography:

Examination concerns only subjects discussed during the lectures and materials distributed to the students.

Judicial Review of Legislation (9 credits) (2nd semester)

Lecturers: Prof. Francesco Rigano (Co-ordinator), Prof. Luciano Musselli

Examination: Oral Examination

The course aims to investigate the role of guarantee belonging to the Italian Constitutional Court, especially in relation with the protection of fundamental rights.

The program is divided into two modules:

- Proceedings before the Italian Constitutional Court and Juridical situations (Prof. Francesco Rigano): by analyzing the decisions of the Court, the first module deepens the most critical aspects of the procedure, with regard to the judicial review of legislation, conflicts of attributions and admissibility of referendum. This part concerns also the process of implementation of constitutional rights and duties, by referring to the case law.
- The rights related to conscience (Prof. Luciano Musselli): the second module of the course focuses on freedom of religion and conscience, with particular attention to the main themes of the constitutional jurisprudence, such as the principle of the lay State and the protection of the various expressions of religious creed; the relation between freedom of religion and multiethnic society.

Bibliography

- for the first part, E. Malfatti - S. Panizza - R. Romboli, *Giustizia costituzionale*, Torino, Giappichelli, 2007 (chapters 1, 2, 3, 4, 5, 8 and 9, pages 1-247, 297-357) and materials given during the lectures;
- in relation to the second part, for the students attending the lectures, L. Musselli - S. Briccola, *Dispense del modulo "Il diritto di libertà religiosa"*, Pavia, University Press, 2010, pages 1-58, integrated by notes and optional seminars; for the students not attending the lectures, L. Musselli - S. Briccola, *Dispense del modulo "Il diritto di libertà religiosa"*, Pavia, University Press, 2010, pages 1-58. Moreover, G. Dammacco, *L'obiezione di coscienza nella giurisprudenza della Corte Costituzionale*, in Raffaele Botta (a cura di), *Diritto ecclesiastico e Corte Costituzionale*, Napoli, ESI, 2006, pages 113-135, and A.M. Punzi Nicolò, *La libertà religiosa individuale e collettiva nelle sentenze della Corte costituzionale*, in Raffaele Botta (a cura di), *Diritto ecclesiastico e Corte Costituzionale*, Napoli, ESI, 2006, pages 305-322 (these essays can be found at the Biblioteca di diritto pubblico e internazionale, at the first floor).

Labour Law (12 credits) (1st semester)

Lecturer: Prof. Andrea Bollani

Examination: Oral Examination

Lectures will be focused on the following main topics:

- sources of labour law: statutory law and collective agreements;
- legal effects of the collective agreements, both in the private and the public sector;
- strike, particularly in the essential services;
- dependent work, self-employment, quasi-dependent work;
- job duties;
- labour flexibility and fixed-term work;
- transfer of undertakings and redundancies;
- disciplinary and dismissal procedures.

Bibliography:

Information will be given at the beginning of the course, by notice on the website of the Faculty of Law. Students must get a Labour Law Code, updated with the last normative references.

The students attending the lectures will do exercises related with case law: in this case, the program will be reduced. For exercises, F. Lunardon - M. Magnani - P. Tosi, *Diritto del lavoro. Sindacati, contratto e conflitto collettivo. Casi e materiali*, Torino, Giappichelli, 2009.

Law, Science and New Technologies (3 credits) (2nd semester)

Lecturer: Prof. Amedeo Santosuosso

Examination: Oral Examination

Biological and medical research and their application to humans are a challenge to law and its ability to regulate social relations.

Cloning, embryonic stem cells, familiarity of genetic characteristics, eugenics, assisted reproduction, refusal of medical treatments, assisted suicide, P.V.S. (Permanent Vegetative State), legal definition of death, transplants and xeno-transplants, neurosciences, robots, intellectual property rights are the main issues.

Legal rules in these fields are presented and discussed in the course. Special attention is reserved to interaction science-law and case-law at international level.

The impact of these hot topics on basic legal assumptions (such as “individual” and “physical-legal person”) and on constitutional law (in the EU and worldwide) are also discussed.

More information on the site www.unipv-lawtech.eu.

Professor Santosuosso receives on appointment at the Cortile dei Tassi (e-mail: amedeo.santosuosso@unipv.it).

Bibliography:

A. Santosuosso, *Diritto, Scienza e Nuove Tecnologie*, in preparation.

Other materials (case law and other sources) will be given during the course.

Law of Corrections (6 credits) (2nd semester)

Lecturer: Prof.ssa Laura Cesaris

Examination: Oral Examination

After examining the principles of the treaties (above all, the articles 3, 5 and 8 of the ECHR), the principles included in the Italian Constitution (especially, the articles 13 and 27), and moreover the minimal rules for the prisoners' treatment, the focus will be on the rights of people detained or arrested after the conviction of the Court. The stress will be on the law 26 th July 1975, n. 364 (and following amendments), with particular attention to the main problems of overcrowding, privatisation and immigration; to other rights belonging to the prisoners (such as rieducation, health, freedom of religion, right to instruction, freedom of speech, right to work, privacy and affectivity); to the ordinary treatment and the special one; and to all the aspects concerning the enforcement of the judgement.

Bibliography:

Any suggestions about bibliography will be given during the course. However, students are invited to get an updated Code of Criminal procedure.

Law of Labour Contracts (6 credits) (2nd semester)

Lecturer: Prof. Andrea Bollani

Examination: Oral Examination

The course aims to analyse the several contracts having as object the execution of a work. The two most important contracts (self-employment and subordinate job), defined in the articles 2222 and 2094 of the Civil Code, show peculiar features. Just think, as regards the self employment, about the law of intellectual labour, and about the law that rules the CO.CO.CO (in Italian, “contratto di collaborazione coordinata e continuativa”); moreover, as regards the subordinate job, think about the law of flexible labour contracts. First, the course will imply lectures introducing a general view of the subject. Then,

the students will be invited to do practises and researches. It's necessary the study of the Labour Code and of the several texts related to the collective labour agreements.

Bibliography:

M. Magnani, *Diritto dei contratti di lavoro*, Milano, Giuffrè, 2009.

Law of Torts (6 credits) (2nd semester)

Lecturer: Prof. Andrea Belvedere

Examination: Oral Examination

The subject of the course is civil liability. Teaching is mainly based on case law.

Bibliography:

C. Salvi, *La responsabilità civile*, Milano, Giuffrè, 2005, pages 1-331.

Legal Language: History, Use, Communication (3 credits) (1st semester)

Lecturers: Prof. Dario Mantovani (Co-ordinator)/Prof. Andrea Belvedere/Prof. Amedeo G. Conte

The course aims to develop the ability to understand and use Italian legal terminology and to expand participants' communication and analytical skills. Lectures will focus on the peculiarities of Italian legal language, starting from the Civil Code.

The course will be divided into three parts:

- lexicon (D. Mantovani);
- definitions (A. Belvedere);
- legal language (A.G. Conte).

Bibliography:

The examination will be on topics and materials discussed during the lectures.

Who wants to prepare the examination by the help of a book can use *Il linguaggio giuridico. Prospettive interdisciplinari*, a cura di G. Garzone e F. Santulli, Milano, Giuffrè, 2008: particular attention will be given to D. Mantovani's essay as regards lexicon (pages 17-54), to G. Garzone's as well as regards the language of regulation (pages 57-69), and finally to D. Antelmi's about definitions (pages 89-117).

Philosophy of Law (6 credits) (2nd semester)

Lecturer: Prof. Amedeo G. Conte

Examination: Oral Examination

The course consists in a philosophical reflection on law. Particular attention will be given to the analysis of the juridical language, as regards semantic and logic aspects of the language of the law. The approach will mainly consist in having dialogues with the students, that is indispensable for the study of philosophical sciences. The course will be integrated with seminars.

Bibliography:

The student attending the lectures can study the notes taken during the course. Anyway, it's suggested the reading of two works among the following:

- L. Passerini Glazel (a cura di), *Ricerche di Filosofia del diritto*, Torino, Giappichelli, 2010: essays numbers 8 (pages 91-102), 9 (pages 103-115), 12 (pages 164-178), 13 (pages 181-197), 14 (pages 198-216) and 15 (pages 217-223);
- A.G. Conte, *Filosofia del linguaggio normativo. III. Studi 1995-2001*, Torino, Giappichelli, 2010: essays numbers 25 (pages 669-676), 33 (pages 893-920) and 35 (pages 947-986);
- A. G. Conte, *Res ex nomine*, Napoli, Editoriale Scientifica, 2009 (three essays by choice);
- A. G. Conte, *Sociologia filosofica del diritto*, Torino, Giappichelli, 2010.

The students not attending the lectures are invited to study:

- L. Passerini Glazel (a cura di), *Ricerche di Filosofia del diritto*, Torino, Giappichelli, 2010: essays numbers 8 (pages 91-102), 9 (pages 103-115), 11 (pages 126-163), 12 (pages 164-178), 13 (pages 181-197), 14 (pages 198-216), 15 (pages 217-223) and 16 (pages 224-233);
- A.G. Conte, *Filosofia del linguaggio normativo. III. Studi 1995-2001*, Torino, Giappichelli, 2001: essays numbers 22 (pages 631-647), 25 (pages 669-676), 33 (pages 893-920), 34 (pages 921-945) and 35 (pages 947-986).

Private International Law (6 credits) (1st semester)

Lecturer: Prof. Franco Mosconi

Examination: Oral Examination

The course is divided into two parts: 1) The first part concerns special questions in conflict of laws, jurisdiction and recognition of foreign decisions. 2) The second part is dedicated to some institutes of Private International Law.

Bibliography:

- F. Mosconi - C. Campiglio, *Diritto internazionale privato e processuale, Parte generale e contratti*, 5th edition, Torino, Utet, 2010, chapters II, V, VI and VII (the knowledge of the chapters included in the program of International Law (Course of Law) is considered as acquired);
- F. Mosconi - C. Campiglio, *Diritto internazionale privato e processuale, Parte speciale*, 2nd edition, Torino, Utet, 2006, chapters I, II, III, IV and V.

Private Law Institutes I (9 credits) (2nd semester)

Lecturer: Prof. Carlo Granelli (A-L)

Lecturer: Prof.ssa Maria Costanza (M-Z)

Examination: Oral Examination

The aim of the course is to drive the students know the principal aspects of the Italian Private Law, with regard to its historical, economical and practical elements.

The lectures will develop the following subjects: the Italian Private Law and its characters from an historical point of view; constitutional principles; equal protection; codification; natural person; associations; rights *in rem*; obligations and contracts. The program concerns the following matters: sources of law, with regard to Italian Civil code and to Italian Constitution of 1948; constitutional principles, with regard to the equal protection principle, law's legal validity, enforcement and interpretation of the rules; the judge's role; conflicts of law; the legal relationship: natural persons, corporate entities; juridical facts; lapse and loss of right; judicial protection of rights; rules of evidence; rights to privacy; property; rights *in rem*; co-ownership; possession; law of contracts; obligations; default and delay; civil liability of debtor.

Bibliography:

It's strongly recommended – in order to understand all the aspects of the course – a deep knowledge of the Italian Constitution and Italian main laws on private matters (that can be easily found in every civil code's edition).

For the examination, A. Torrente – P. Schlesinger, *Manuale di diritto privato*, 19th edition, Milano, Giuffrè, 2009.

In any case, it's up to students choosing other handbooks, such as:

R. Alessi – A. Galasso – S. Mazzamuto, *Manuale ipertestuale del diritto privato*, last edition, Torino, Utet;

G. Alpa, *Istituzioni di diritto privato*, last edition, Torino, Utet;

D. Barbero, *Il sistema di diritto privato*, a cura di A. Liserre e G. Florida, last edition, Torino, Utet;

M Bessone (a cura di), *Istituzioni di diritto privato*, last edition, Torino, Giappichelli;

V. Franceschelli, *Introduzione al diritto privato*, last edition, Milano, Giuffrè;

A. Galasso, *Manuale ipertestuale del diritto privato*, ult. ed., Torino, Utet;

F. Galgano, *Diritto privato*, last edition, Padova, Cedam;

P. Gallo, *Istituzioni di diritto privato*, last edition, Torino, Giappichelli;

F. Gazzoni, *Manuale di diritto privato*, last edition, Napoli, Esi;

G. Iudica – P. Zatti, *Linguaggio e regole del diritto privato*, last edition, Padova, Cedam;

P. Perlingieri, *Manuale di diritto civile*, last edition, Napoli, Esi;

P. Rescigno, *Manuale di diritto privato italiano*, last edition, Milano, Kluwer-Ipsoa;

V. Roppo, *Istituzioni di diritto privato*, last edition, Bologna, Monduzzi;

A. Trabucchi, *Istituzioni di diritto civile*, last edition, Padova, Cedam;

P. Trimarchi, *Istituzioni di diritto privato*, last edition, Milano, Giuffrè.

Private Law Institutes II (9 credits) (1st semester)

Lecturer: Prof. Giovanni Stella

Examination: Oral Examination

The course develops the subjects treated during the previous year, by completing the explanation of the fundamental principles of Private Law (but Commercial Law). The focus will be on the following subjects: the several contracts; the obligations resulting from unilateral acts, from laws and from torts; family relationships; succession *mortis causa*; gifts; registrar of immovable property.

Bibliography:

A. Torrente - P. Schlesinger, *Manuale di diritto privato*, 19th edition, Milano, Giuffrè, 2009 (only as regards the subjects shown above: pages 639-872, 1075-1334). Students can choose another handbook among the ones suggested for Private Law Institutes I. It's necessary to know the Civil Code and the related laws in relation with the parts concerned. More information about reforms will be given during the lectures.

Public Finance (9 credits) (1st semester)

Lecturer: Prof.ssa Simona Scabrosetti

Examination: Oral Examination

The course concerns the reasons of the public intervention in economy. The handbook by Stiglitz, volume 1, is suggested to the students who appreciate a more theoretical approach of the subject and are disposed to attend lectures, thus aspiring to good marks. The volume 2 is suggested to the students not attending the lectures and appreciating a more empirical approach. The slides of the lectures will be put in the site <http://www.unipv.it/giurisprudenza> (voice "didattica"). Teaching will be integrated with exercises during the course. The main subjects are the following: 1) Public intervention in economy; 2) Theory of Taxation; 3) Italian Tributes; 4) Tax policy and National Debt.

Bibliography:

For 1) and 2): J.E. Stiglitz, *L'economia del settore pubblico*, I, 2nd Italian edition, Milano, Hoepli, 2003, chapters 2, 3, 4, 5, 6, 7, 8, 9, 10, or J.E. Stiglitz, *L'economia del settore pubblico*, II, 2nd Italian edition, Milano, Hoepli, 2004, chapters 1, 2, 3, 4, 5, 6, 7. For 3): P. Bosi - M.C. Guerra, *I tributi nell'economia italiana*, 11th edition, Bologna, Il Mulino, 20010, chapters III, IV, V, VI, VII, VIII, IX. For 4): *Materiale didattico per Scienza delle finanze*, Pavia, Clu, edition 2010-2011.

Regional Law (6 credits) (2nd semester)

Lecturer: Prof. Gianpaolo Parodi

Examination: Oral Examination

Over the last twelve years, Italian regionalism has been affected by vast and, to a certain extent, radical reforms, which involve the main issues of the course: allocation of legislative and regulatory powers between the State and the Regions; allocation of administrative functions between the State, the Regions and the local authorities; the Committees system; finance and taxation system; judicial review of legislation; comparative aspects.

Bibliography:

The students can choose between these two books:

- P. Caretti - G. Tarli Barbieri, *Diritto regionale*, Torino, Giappichelli, 2009;
- T. Martines - A. Ruggeri - C. Salazar, *Lineamenti di diritto regionale*, Milano, Giuffrè, 2008.

For the students attending the lectures, other suggestion on books or essays will be given during the course.

Roman Law (12 credits) (1st semester)

Lecturer: Prof. Dario Mantovani

Examination: Oral Examination

The course develops some topics of Institutes of Roman Law, such as family, obligations, rights *in rem*, interpretation of the contract and of the will. The aim of the course is to examine the method of juridical reasoning, by studying the Roman case law. Teaching includes reading of texts (provided with translation), so driving the students to solve the cases and to understand the Institutes of Roman Law. The stress will be on the concepts of person and identity. Part of the lectures will be dedicated to the relation between the law and non-legal principles.

Bibliography:

- The students attending the lectures can use literature given and discussed during the course. Reference book:: D. Mantovani, *Il diritto e la costituzione in età repubblicana. Il diritto da Augusto al Theodosianus*, Milano, Led, 2005, pages 171-269 and 465-490.
- For the students not attending the lectures, A. Cannata, *Per una storia della scienza giuridica europea*, I, Torino, Giappichelli, 1997, pages 331 ff.

Roman Law (6 credits) (1st semester)

Lecturer: Prof. Dario Mantovani

Examination: Oral Examination

The course develops some topics of Institutes of Roman Law, such as family, obligations, rights *in rem*, interpretation of the contract and of the will. The aim of the course is to examine the method of juridical reasoning, by studying the Roman case law. Teaching includes reading of texts (provided with translation), so driving the students to solve the cases and to understand the Institutes of Roman Law.

The stress will be on the concepts of person and identity. Part of the lectures will be dedicated to the relation between the law and non-legal principles.

Bibliography:

- For the students attending the lectures, literature given and discussed during the course;
- For the students not attending the lectures:
 - 1) D. Mantovani, *Il diritto e la costituzione in età repubblicana. Il diritto da Augusto al Theodosianus*, Milano, Led, 2005, pages 171-269 and 465-490;
 - 2) by choice, one of these two books: G. Boniolo, G. De Anna, U. Vincenti, *Individuo e persona. Tre saggi su chi siamo*, Milano, Bompiani, 2007, pages 209 ff. or E. Cantarella, *Il ritorno della vendetta. Pena di morte: giustizia o assassinio?*, Milano, Rizzoli, 2007, pages 186 ff.

Sociology of Law (6 credits) (2nd semester)

Lecturer: Prof. Giuseppe Lorini

Examination: Oral Examination

The course explores the complex relations between law and society, by analysing some texts (written by jurists and sociologists) dedicated to Sociology of Law. The main topics are the following: juridical pluralism; social aims of law; relations between social action and juridical rule and so on.

Bibliography:

For the students attending the lectures, in addition to notes, the following books:

- G. Lorini (a cura di), *Dispense di Sociologia del diritto* (2010-2011) (lecture notes will be available at the beginning of the course at the CLU);
- A. G. Conte, *Sociologia filosofica del diritto*. Prefazione di Vincenzo Ferrari. Torino, Giappichelli, 2010 (the parts to study will be indicated during the course);
- E. Ehrlich, H. Kelsen, M. Weber, *Verso un concetto sociologico di diritto*. A cura di Alberto Febbrajo. Milano, Giuffrè, 2010 (the parts to study will be indicated during the course).

For the students not attending the lectures:

- V. Ferrari, *Diritto e società. Elementi di sociologia del diritto*, Roma-Bari, Laterza, 2010, pages 1-196;
- E. Ehrlich, H. Kelsen, M. Weber, *Verso un concetto sociologico di diritto*. A cura di Alberto Febbrajo. Milano, Giuffrè, 2010, pages IX-XXXII and 69-165.

The suggestion is to start from the book written by V. Ferrari.

Tax Law (6 credits) (1st semester)

Lecturer: Prof.ssa Silvia Cipollina

Examination: Oral Examination

The course aims to explain the Italian tax system basic features, from the lawyer perspective. The analysis is carried out by double point of view, legislative and jurisprudential. Interactive seminars are provided to cases law study. The course is divided into two parts:

General Part: tax law sources; Constitutional and Communitarian principles; tax liability; levying procedure; income tax return; inquest; tax assessment; tax avoidance; tax collection; tax credits and tax refund; process.

Special Part: the course focuses on income taxes (Irpef and Ires).

Bibliography:

- F. Tesauo, *Compendio di diritto tributario*, Torino, Utet, last edition, limited to the course programme topics;

- an up-to-date tax code, for student use. For examples: F. Tesauro, *Codice tributario*, Bologna, Zanichelli, last version; M.V. Balestra – R. Russo – S. Scaramuzzino (a cura di), *Codice tributario*, Napoli, Finanze&Lavoro, Esselibri, last version.

Urban Law (6 credits) (2nd semester)

Lecturer: Prof. Mario Pampanin

Examination: Oral Examination

The course aims at enriching the student's background and understanding of the principles and structures of the Italian administrative law, throughout a comprehensive discussion of issues associated with its application in the specific area of building and urban planning.

Bibliography:

F. Salvia - F. Teresi, *Diritto urbanistico*, 8th edition, Padova, Cedam, 2008, pages XXVII-274.