UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

International Law and Pluralism

2425-4-A5810255

Learning objectives

The course aims to provide students with a more dynamic and up-to-date view of the functioning of international law, confronting the manifestations and new challenges posed by legal and non-legal pluralism.

Contents

The course will examine the relationship between international law and pluralism from two distinct perspectives: structural and substantive.

On the structural side, the question will be asked what impact pluralism has had on the diversification and expansion of international law, phenomena that have characterised in particular the era of globalisation. In this regard, special attention will be devoted to the phenomenon of fragmentation of the international legal order, from the normative, value, institutional and jurisdictional points of view.

From the substantive point of view, on the other hand, attention will be focused in particular on the jurisprudence of the European Court of Human Rights, in order to verify how the European norms on the protection of human rights have been able to accommodate the pluralism that characterises modern societies in terms of religion, education, mass media and politics.

Detailed program

Pluralism/pluralisms: what do we talk about when we talk about pluralism?

Part one:

-The phenomenon of fragmentation of international law as a manifestation of legal pluralism;

- The notion of "self-contained regimes" and its impact on the debate concerning fragmentation;
- The relationship between self-contained regimes and general international law;
- The problems: some practical examples of collisions between self-contained regimes (Kadi, Bosphorus, Al-Jedda, Mox Plant case)
- Possible solutions: conflict-prevention techniques and conflict-solving mechanisms.

Part Two:

-Pluralism and human rights in Europe (with particular reference to the European Convention on Human Rights);

- Religious symbols;
- The right to political association;
- The right to education;
- The mass media.

Prerequisites

Basic knowledge of public international law.

Teaching methods

Frontal teaching with class discussions.

Assessment methods

Oral exam.

Textbooks and Reading Materials

Reading materials will be provided by the instructor and charged on the elearning website during the course.

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS