

Curriculum Vitae

(September 2017)

Damiano Canale

Bocconi University
"A. Sraffa" Department of Legal Studies
Grafton Building, room 1.B1-05
via Röntgen, 1 - 20136 Milano (Italy)
+39-02-5836-2270
damiano.canale@unibocconi.it

Education

MSc, Political Science, University of Padua, *1995*.

PhD, Philosophy of Law, University of Padua, *1999*.

Scholarships

St Hilda's College, University of Oxford, Visiting Research Fellow, *2017*.

University of Oxford, Faculty of Law, Visiting Academic Scholar, *2011*.

Yale University, School of Law, Senior Research Scholar, *2009*.

University of Padua, Post-doctoral Fellowship, *1999-2001*.

Max-Plank-Institute für Europäische Rechtsgeschichte, Visiting Scholar, *1996 and 1998*.

University of Padua, Department of Comparative Law, Research Fellow, *1996-1999*.

Goethe Universität Frankfurt a.M., Institut of Criminal Law and Legal Philosophy, Research Scholar, *1995-1996*.

Professional Experience

Head, "A. Sraffa" Department of Legal Studies, Bocconi University, *2010-2016*.

Full Professor of Philosophy of Law, Bocconi University, *2009-present*.

Director of the Graduate Programme in Law, Bocconi University, *2006-2010*.

Professor of Legal Interpretation and Argumentation, Master in Global Rule of Law and Constitutional Democracy, University of Genova, *2011-present*.

Visiting Professor of Legal Theory, University of Padua, *2009-2010*.

Associate Professor of Philosophy of Law, Bocconi University, *2003-2009*.

Professor of Theory and Practice of Legal interpretation, Ph.D. in Legal Studies, Bocconi University, *2003-present*.

Professor of IT Law, University of Padua, *2002-2003*.

Visiting Professor of Philosophy of Law, Bocconi University, *2001-2003*.

Assistant Professor of Philosophy of Law, University of Padua, 2001-2003.

Publications

Journal Articles

"Analogical Reasoning and Extensive Interpretation" (with G. Tuzet), *Archiv für Rechts- und Sozialphilosophie* 103 (1), 2017, 117-135.

"What the Legislature Did not Say. Legislative Intentions and Counterfactuals in Legal Argumentation" (with G. Tuzet), *Journal of Argumentation in Context* 5 (3), 2016, 249-270.

"L'argomento comparatistico. Un contributo allo studio del ragionamento giuridico", *Ars Interpretandi* 10 (1), 2016, 47-74.

"Norme opache. Il ruolo degli esperti nel ragionamento giuridico", *Rivista di Filosofia del diritto* 4 (3), 2015, 93-124.

"Agire collettivo e normatività del diritto", *Diritto & Questioni Pubbliche* 15 (1), 2015, 1-23.

"Comparative Reasoning in Legal Adjudication", *Canadian Journal of Law and Jurisprudence* 28 (1), 2015, 1-23.

"Is Law Grounded in Joint Action?", *Rechtstheorie* 45 (3), 2014, 289-312.

"Intenzioni del legislatore e ragionamento controfattuale" (with G. Tuzet), *Analisi e diritto*, 2014, 195-209.

"¿El derecho está fundado en la acción colectiva?", *Discusiones* 14 (1), 2014, 73-111.

"Logica delle norme e significati" (with G. Tuzet), *Analisi e diritto*, 2013, 11-32.

"Forme e usi della Law & Economics", *Ars Interpretandi* 2 (2), 2013, 27-41.

"Looking for the Nature of Law: On Shapiro's Challenge." *Law & Philosophy* 31 (4), 2012, 409-441.

"Teorías de la interpretación jurídica y teorías del significado." *Discusiones* 11, 2012, 135-165.

"Teorie dell'interpretazione giuridica e teorie del significato." *Materiali per una storia della cultura giuridica* 42 (1), 2012, 155-178.

"Struttura inferenziale e assunzioni ontologiche dell'argomento *a contrario*" (with G. Tuzet). *Ars Interpretandi* 12, 2011, 193-209.

"Use and Abuse of Intrapractical Argumentation in Law" (with G. Tuzet). *Cogency. Journal of Reasoning and Argumentation* 3, 2011, 33-52.

"What Is the Reason for This Rule? An Inferential Account of the Ratio Legis" (with G. Tuzet). *Argumentation* 24 (2), 2010, 197-210.

"Inferring the Intention. Or, What Law the Legislature Could Have Intended to Make" (with G. Tuzet). *Dignitas* 47-48, 2010, 254-272.

"Consequences of Pragmatic Conceptualism. On the Methodology Problem in Jurisprudence". *Ratio Juris* 22 (2), 2009, 171-186.

"Muri di confine. Trasformazioni dei confini pubblici nell'età della globalizzazione." *Ragion pratica*, 2009, 2, 377-398.

- "The A Simili Argument: An Inferentialist Setting" (with G. Tuzet). *Ratio Juris* 22 (4), 2009, 499-509.
- "Paradojas de la costumbre jurídica". *Doxa. Cuadernos de Filosofía del Derecho* 32, 2009, 205-227.
- "On the Contrary. Inferential Analysis and Ontological Assumptions of the A Contrario Argument" (with G. Tuzet). *Informal Logic* 28 (1), 2008, 31-43.
- "On Legal Inferentialism. Toward a Pragmatics of Semantic Content in Legal Interpretation?" (with G. Tuzet). *Ratio Juris* 20, 2007, 32-44.
- "La precomprensione dell'interprete è arbitraria?" *Ars Interpretandi* 11, 2006, 327-370.
- "Inferenzialismo semantico e ragionamento giuridico". *Ragion pratica* 25, 2005, 301-334.
- "La tensione verso un diritto giusto tra presente e storia". *Quaderni fiorentini per la storia del pensiero giuridico moderno* 34 (2), 2005, 1347-1374.
- "Iusnaturalismo prussiano y codificación. Notas de discussion" (with M. Hernández Marcos). *Res publica* 6, 2003, 195-222.
- "Ethos mondiale e giustizia internazionale. In dialogo con Hans-Georg Gadamer". *Ars Interpretandi* 6, 2001, 1-13.
- "Dibattito sulla codificazione e critica neo-illuminista. Alcune considerazioni di metodo". *Quaderni fiorentini per la storia del pensiero giuridico moderno* 30 (2), 2001, 689-707.
- "Il soggetto di diritto secondo Paul Ricoeur". *Ragion Pratica* 14, 2000, 211-231.
- "Ricoeur e la dialettica del riconoscimento". *Rivista internazionale di filosofia del diritto* 77 (3), 2000, 292-322.
- "Il diritto pubblico interiore. La giurisdizione dello Stato nello spazio bio-giuridico dell'individuo". *Rivista critica del diritto privato* 16 (1-2), 1998, 89-124.
- "Dagli stati della persona alle persone dello Stato. Wolff e le origini sistematiche dell'Allgemeines Landrecht prussiano del 1794". *Materiali per una storia della cultura giuridica* 28 (1), 1998, 139-194.

Books (Author)

- Conflitti pratici. Quando il diritto diventa immorale*. Roma-Bari: Laterza, 2017, pp. 236.
- Forme del limite nell'interpretazione giudiziale*. Padova: CEDAM, 2003, pp. 213.
- La costituzione delle differenze. Iusnaturalismo e codificazione del diritto civile nella Prussia del '700*. Torino: Giappichelli, 2000, pp. 301.

Books (Editor)

- The Planning Theory of Law. A Critical Reading*. Ed. by D. Canale and G. Tuzet. Dordrecht-Berlin-New York: Springer 2013.
- The Rules of Inference. Inferentialism in Law and Philosophy*. Ed. by D. Canale and G. Tuzet. Milan: EGEA 2010.
- A History of the Philosophy of Law in the Civil Law World, 1600-1900*. Ed. by D. Canale, P. Grossi, H. Hofmann. Dordrecht-Berlin-New York: Springer, 2009.

Book Sections

"What Inferentialism Tells Us About Combinatory Vagueness in Law." In A. Capone, F. Poggi (eds.), *Pragmatics and Law. Practical and Theoretical Perspectives* (43-66), Dordrecht: Springer, 2017.

"Judicial Discretion and the Rule of Law" (with G. Tuzet). In E. Feteris, H. Kloosterhuis, J. Plug, C. Smith (eds.), *Legal Argumentation and the Rule of Law* (1-16), The Hague: Eleven Publ., 2016.

"L'essenza come funzione: l'ontologia giuridica di M. Moore e S. Shapiro." In G. Bongiovanni, G. Pino, C. Roversi (eds.), *Che cos'è il diritto. Ontologie e concezioni del diritto* (341-369), Torino: Giappichelli, 2016.

"Persona." In M. Ricciardi, A. Rossetti, V. Velluzzi (eds.), *Filosofia del diritto. Norme, concetti, argomenti* (15-35), Roma: Carocci 2015.

"Analogy and Interpretation in Legal Argumentation" (with G. Tuzet). In H. Jales Ribeiro (ed.), *Systematic Approaches to Argument by Analogy* (227-242), Dordrecht: Springer, 2014.

"Looking for the Nature of Law: On Shapiro's Challenge." In D. Canale, G. Tuzet (eds.), *The Planning Theory of Law. A Critical Reading* (1-26). Dordrecht: Springer 2013.

"Ragionamento giuridico." In G. Pino, A. Schiavello, V. Villa (eds.), *Filosofia del diritto. Introduzione critica al pensiero giuridico e al diritto positivo* (316-351). Torino: Giappichelli 2013.

"La qualificazione giuridica della vita prenatale." In S. Rodotà, P. Zatti (eds.), *Trattato di Biodiritto* (1-26). Milan: Giuffrè 2011.

"The Argument from Legislative Silence" (with G. Tuzet). In F.H. van Eemeren et al. (eds.), *Proceedings of the 7th Conference of the International Society for the Study of Argumentation* (181-191). Amsterdam: Rozenberg/Sic Sat 2011.

"Inferring the Ratio: Commitments and Constraints" (with G. Tuzet). In E.T. Feteris, H. Kloosterhuis and H.J. Plug (ed.), *Argumentation and the Application of Legal Rules* (15-34). Amsterdam: Rozenberg Pub. 2009.

"Backward Inference" (with G. Tuzet). In E.T. Feteris, H. Kloosterhuis and H.J. Plug (ed.), *Argumentation and the Application of Legal Rules* (187-193). Amsterdam: Rozenberg Pub. 2009.

"The Many Faces of Legal Codification in Modern Continental Europe". In D. Canale, P. Grossi, H. Hofmann (eds.), *A History of the Philosophy of Law from the Seventeenth Century to 1900 in the Civil-law Tradition* (135-183). Berlin-New York: Springer 2009.

"Judicial Scorekeeping" (with G. Tuzet). In D. Canale & G. Tuzet (eds.), *The Rules of Inference. Inferentialism in Law and Philosophy* (73-89). Milano: Egea 2009.

"Legal Interpretation and the Objectivity of Values". In P. Comanducci-R. Guastini (eds.), *Analisi e diritto 2007* (239-260). Torino: Giappichelli 2008.

"Paradossi della consuetudine giuridica". In S. Zorzetto (ed.), *La consuetudine giuridica: teoria, storia, ambiti disciplinari* (109-136). Pisa: ETS 2008.

"L'impegno assertivo. La teoria dell'asserzione in Peirce e Brandom" (with G. Tuzet). In R. Egidio-R.M. Carcaterra (eds.), *Pragmatismo e filosofia analitica* (59-72). Macerata: Quodlibet 2007.

"Vizi e virtù del pragmatismo concettuale". In P. Comanducci-R. Guastini (eds.), *Analisi e diritto 2006* (19-49). Torino: Giappichelli 2007.

"The A Contrario Argument: A Scorekeeping Model". In F.H. van Eemeren, J.A. Blair, C.A. Willard, B. Garssen (eds.), *Proceedings of the Sixth Conference of the International Society for the Study of Argumentation*, Vol. I (207-211). Amsterdam: SicSat 2007.

"Interpretive Scorekeeping" (with G. Tuzet). In P. Comanducci-R. Guastini (eds.), *Analisi e diritto 2005* (81-97). Torino: Giappichelli 2006.

"Presentazione" (with P. Zatti). In E. Picker, *Il danno della vita. Risarcimento per una vita non desiderata* (ix-xiii). Ed. by D. Canale and P. Zatti. Milano: Giuffrè 2004.

"Retorica, semantica, inferenzialismo". In G. Ferrari and M. Manzin (eds.), *La retorica tra scienza e professioni legali. Questioni di metodo* (163-177). Milano: Giuffrè 2004.

"Clonazione" (with A. Bompiani, E. Palermo, R. Pegoraro, L. Ravarotto). In L. Pegoraro, L. Ravarotto (eds.), *Transgenesi, Clonazione, Xenotripianto. Analisi scientifica, giuridica ed etica sull'impiego degli animali* (43-65). Padova: Piccin 2003.

Encyclopedia Articles

"Bergbohm, Karl Magnus". In V. Melchiorre (ed.), *Enciclopedia Filosofica*. Milano: Bompiani, Vol. 2, 2006, 1193.

"Burlamaqui, Jean-Jacques". In V. Melchiorre (ed.), *Enciclopedia Filosofica*. Milano: Bompiani, Vol. 2, 2006, 1546.

"Engisch, Karl". In V. Melchiorre (ed.), *Enciclopedia Filosofica*. Milano: Bompiani, 2006, Vol. 4, 3409-3410.

"Esser, Josef". In V. Melchiorre (ed.), *Enciclopedia Filosofica*. Milano: Bompiani, 2006, Vol. 4, 3666.

"Kaufmann, Arthur". In V. Melchiorre (ed.), *Enciclopedia Filosofica*. Milano: Bompiani, 2006, Vol. 6, 6019.

"Vieweg, Theodor". In V. Melchiorre (ed.), *Enciclopedia Filosofica*. Milano: Bompiani, 2006, Vol. 12, 12136-12137.

"Traduzione e interpretazione giuridica". In V. Melchiorre (ed.), *Enciclopedia Filosofica*. Milano: Bompiani, 2006, Vol. 12, 11730.

Reviews

Review of A.G. Manca, *La sfida delle riforme. Costituzione e politica nel liberalismo prussiano* (Bologna: il Mulino 1995). *Zeitschrift für Neuere Rechtsgeschichte* 21 (2), 1999, 267-269.

Review of S. Fuselli, *Pena, processo e mediazione nella filosofia del diritto di Hegel* (Trento: Verifiche 2001). *Hegel-Studien* 27, 2002, 274-277.

Review of P. Cesaroni, *Governo e costituzione in Hegel. Le "Lezioni di filosofia del diritto"* (Milano: Franco Angeli 2006) *Hegel-Studien* 43, 2008, 159-162.

Working Papers

Can Constitutional Rights Be Weighted? On the Inferential Structure of Balancing in Legal Argumentation (with G. Tuzet, 2014)

The Boundary of Judicial Discretion (2012)

The Judge in the Experts' Room (2011).

Ph.D. Paper

Eventi consueti. Figure dogmatiche della consuetudine giuridica. Padova 1999 (unpublished).

Presentations

"Legislative Intentions and Counterfactuals." Pompeu Fabra University, Barcelona, 7 April 2017.

"Discrecionalidad judicial y Estado de Derecho." *Centro de Estudios Constitucionales de la Suprema Corte de Justicia de la Nación*, Mexico City, 13 December 2016.

"El uso de precedentes extranjeros por los tribunales: retos y limitaciones." *El precedente constitucional en la Suprema Corte de Justicia de la Nación*, Mexico City, 7-8 December 2016.

"Ripetizione e iterazione in Deleuze", University of Turin, 30 November 2015.

"Quando gli esperti sono in disaccordo: una critica al teorema di Condorcet." *Il monopolio assente: orizzonte del sapere, frontiere del diritto*, University of Verona, 4-5 June 2015.

"Judicial Discretion and the Rule of Law." *JDG – University of Oxford*, 21 May 2015.

"Legal Pragmatism, Old and New." *Seminar Series in Legal Theory*. Université Paris Ouest Nanterre La Défense, 15 December 2014.

"Ragionamento giuridico e norme opache." *XXIX Conferenza della Società Italiana di Filosofia del Diritto*. Bologna-Ravenna 18-20 September 2014.

"Can Constitutional Rights Be Weighted? On the Inferential Structure of Balancing in Legal Argumentation." *8th Conference of the International Society for the Study of Argumentation*. Amsterdam, 1-4 July 2014.

"Systematizing Comparative Reasoning in Legal Adjudication", *EUI Research Seminar Series in Legal Theory*. Fiesole, 12 May 2014.

"Indeterminatezza del linguaggio, interpretazione, certezza del diritto." *Esigenze di certezza e prospettive di egualanza nell'interpretazione giuridica*. University of Treviso, 25 November 2013.

"Legislative Intentions and Counterfactuals." *XIXe Séminaire Franco-italo-espagnol de Théorie du Droit*. Villa Finaly (Florence), 18-19 October 2013.

"Comparative Reasoning in Legal Adjudication." *ITAM Research Seminars*. Mexico City, 31 August 2013.

"Politiche della cura, oblio della giustizia." *Idea di Giustizia e Diritto alla salute*. Venice, 18-19 January 2013.

"Comparative Reasoning in Legal Adjudication." *UPF Research Seminars*. Barcelona, 17 December 2012.

"Norme e significati." *Jerarquias Normativas y Dinamica de los Sistemas Juridicos*. Genova, 29 October 2012

"The Boundary of Judicial Discretion." *Homenaje a Riccardo Caracciolo. Seminario Internacional de Vaquerías*. Vaquerías, Córdoba (Argentina), 7-9 September 2012.

"Comparative Reasoning in Legal Adjudication." *Comparatisme et constitutionnalisme: usages, méthodes, théorie, idéologie*. Univ. Paris Ouest Nanterre-Centre de Théorie et Analyse du Droit, 10 mai 2012.

"Inferential Vagueness in Legal Interpretation." *Pragmatist and Contextualist Approaches to Vagueness in Legal Theory and Philosophy*. University of Freiburg. July 1-3, 2011.

"The Judge in the Experts' Room." *Freiburger Vorträge zur Staatswissenschaft und Rechtsphilosophie*. University of Freiburg. January 19, 2011.

"Norme opache." *Ph.D Seminar Series*. University of Genova, 11 November 2010.

"One, None, and A Hundred Thousand Legal Systems. Use and Abuse of Intra-textual Argumentation in Law." *2th Conference on Legal Theory and Legal Argumentation*, University of Nova Gorica. 29-30 October 2010.

"Legislative Intention and Counterfactuals." *Colloquium on Legal Argumentation*, University of Lund (Sweden). 26-27 October 2010.

"Inferring the Intention. Or What Law the Legislature Could Have Intended to Make." *7th Conference of the International Society for the Study of Argumentation (ISSA)*, University of Amsterdam, June 29-July 2, 2010.

"One, None, and A Hundred Thousand Legal Systems. Use and Abuse of Intra-textual Argumentation in Law." *How to Build Up a Legal System*, Bocconi University, 3-4 June 2010.

"L'interprete nella stanza cinese. Il problema dell'opacità del linguaggio giuridico." *Girona University Seminars*, 26 February 2010.

"Looking for the Nature of Law." *Law, Plans, and Practical Reasoning. A Seminar with Scott Shapiro*, Bocconi University, Milan, 10-11 December 2009.

"Interpretazione sistematica e profitto da reato." *Colloquium: Il profitto da reato. Spunti di riflessione*. Centro Studi Giorgio Ambrosoli, Milano, 8 July 2009.

"Inferring the Ratio: Commitments and Constraints." *Colloquium: Argumentation and Application of Legal Rules*. Amsterdam, University of Amsterdam, 31 October 2008.

"Confini senza Stato." *L'identità plurale della filosofia del diritto. Convegno nazionale della Società italiana di Filosofia del diritto 2008*. Torino, 16-18 September 2008.

"Beyond the Conventionality Thesis". *The Idea of Law as a Practice*. Camden, Rutgers Law School, 5-6 June 2008.

"Consequences of Pragmatic Conceptualism." *Inclusive Legal Positivism and Beyond. The Perspective of Jules Coleman*. Bologna, University of Bologna-Yale Law School, 12-13 May 2008.

"Paradossi della consuetudine giuridica." *La consuetudine giuridica: teoria, storia, ambiti disciplinary*. Milan, State University of Milan, 20-21 September 2007.

"The A Simili Argument: A Scorekeeping Model." *23th World IVR Congress of Philosophy of Law and Social Philosophy*. Krakow, 1-6 August 2007.

"The Double Mirror of Governance." *Reflexive Governance in the Public Interest*. Ragusa, University of Catania, 5-6 July 2007.

"Legal Interpretation and the Objectivity of Values." *Interpretation and Legal Theory: A Workshop with Andrei Marmor*. Milan, Bocconi University, 5-6 June 2007.

"Judicial Scorekeeping." *The Rules of Inference. Inferentialism in Law and Philosophy*. Milan, Bocconi University, 5-6 October 2006.

"The A Contrario Argument: A Scorekeeping Model." *6th Conference of the International Society for the Study of Argumentation (ISSA)*. Amsterdam, 27-30 June 2006.

"Il codice come problema storiografico." *Le relazioni giuridiche fra Germania e Italia nella seconda metà del XX secolo*. University of Verona, 13-14 October 2005.

"On Legal Inferentialism. Toward a Pragmatics of Semantic Content in Legal Interpretation?" *22th World IVR Congress of Philosophy of Law and Social Philosophy*. Granada, 24-29 May 2005.

"Inferenzialismo semantico e ragionamento giudiziale." *X Encuentro del Seminario Hispano-Italiano de Teoría del Derecho*. Madrid, September 24-25, 2004.

"Orientamenti e disorientamenti nel pensiero giuridico contemporaneo". *Giornata 2004 dell'Associazione Civilisti Italiani*. Genova, May 29, 2004.

"Quale limite per l'interpretazione giudiziale?" *III Incontro dei Ricercatori in Filosofia del diritto*. University of Genova, 21-22 May 2004.

"Condizioni implicite e ragioni esplicite dell'interpretazione". *Giornate di ermeneutica*. University of Padova. 16-17 January 2004.

"Retorica, semantica, inferenzialismo". *Giornate tridentine di retorica - III edizione*. University of Trento, 24-25 June 2003.

"Die Dialektik der Annerkennung bei Hegel und Ricoeur". *Paul Ricoeur: Hermeneutik und Phänomenologie*, Technische Universität Berlin, 7-9 July 2000.

Editorial Work

Editorial Boards

Law & Philosophy (Springer, Dordrecht), 2010-present.

Argumentation in Context (J. Benjamins Pub. Co., Amsterdam/Philadelphia), 2009-present.

Discusiones (Cordoba, Argentina), 2012-present.

Ars Interpretandi (Carocci, Rome), 1996-present.

Scientific Boards

Analisi e diritto (Marcial Pons, Barcelona), 2014-present.

Treatise of Legal Philosophy and General Jurisprudence (Springer, Dordrecht), 2008-present.

Review Committees

Ratio Juris. An International Journal of Jurisprudence and Philosophy of Law (Wiley-Blackwell, Hoboken), *2011-present*.

Law & Philosophy (Springer, Dordrecht), *2010-present*.

Argumentation. An International Journal on Reasoning (Springer, Dordrecht), *2009-present*.

Analisi e diritto (Marcial Pons, Barcelona), *2008-present*.

Awards

2005 - Excellence in Research Award, Bocconi University.

2008 - Excellence in Research Award, Bocconi University.

2009 - Excellence in Research Award, Bocconi University.

2010 - Excellence in Research Award, Bocconi University.

2011 - Excellence in Research Award, Bocconi University.

2013 - Excellence in Research Award, Bocconi University.

2015 - Excellence in Teaching Award, Bocconi University.

2016 - Excellence in Teaching Award, Bocconi University.

2017 - Excellence in Teaching Award, Bocconi University.