



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza		
ACADEMIC YEAR	2017/2018		
MASTER'S DEGREE (MSC)	LAW		
SUBJECT	LEGAL PHILOSOPHY		
TYPE OF EDUCATIONAL ACTIVITY	A		
AMBIT	20002-Filosofico-giuridico		
CODE	15550		
SCIENTIFIC SECTOR(S)	IUS/20		
HEAD PROFESSOR(S)	SCHIAVELLO ALDO Professore Ordinario Univ. di PALERMO CELANO BRUNO Professore Ordinario Univ. di PALERMO TRUJILLO PEREZ Professore Ordinario Univ. di PALERMO ISABEL ASCENSION		
OTHER PROFESSOR(S)			
CREDITS	9		
INDIVIDUAL STUDY (Hrs)	153		
COURSE ACTIVITY (Hrs)	72		
PROPAEDEUTICAL SUBJECTS			
MUTUALIZATION			
YEAR	1		
TERM (SEMESTER)	2° semester		
ATTENDANCE	Not mandatory		
EVALUATION	Out of 30		
TEACHER OFFICE HOURS	<p>CELANO BRUNO Friday 10:15 13:15 \piazza Bologni 8, II piano, stanza n. 17</p> <p>SCHIAVELLO ALDO Wednesday 09:00 12:00 Dipartimento di giurisprudenzaPiazza Bologni, 8, I piano- Stanza del Direttore del Dipartimento</p> <p>TRUJILLO PEREZ ISABEL ASCENSION Monday 12:00 14:00 Piazza Bologni 8, quarto piano, stanza 5. Si prega di prenotare il ricevimento tramite il servizio online o di scrivere una mail a isabel.trujillo@unipa.it almeno due giorni prima.</p> <p>Wednesday 12:00 14:00 Piazza Bologni 8, quarto piano, stanza 5. Si prega di prenotare il ricevimento tramite il servizio online o di scrivere una mail a isabel.trujillo@unipa.it almeno due giorni prima.</p>		

DOCENTE: Prof. ALDO SCHIAVELLO- *Lettere F-N*

PREREQUISITES	Basic legal notions regarding the structure of legal powers in contemporary states, the constitutional review, the national and international legal sources, the concept of right.
LEARNING OUTCOMES	<p>Knowledge and understanding: knowledge and understanding of the main problems in the field of legal theory and philosophy.</p> <p>Applying knowledge and understanding: ability to apply their knowledge and understanding to both theoretical and practical legal issues.</p> <p>Making judgments: ability to make autonomous judgments about traditional problems in the field of legal theory and philosophy.</p> <p>Communication: ability to communicate in a clear and exhaustive way, to formulate autonomous judgments on traditional problems in the field of legal theory and philosophy, and to argue in their defence.</p> <p>Lifelong learning skills: development of ratiocinative and argumentative skills, also in dialectical contexts.</p>
ASSESSMENT METHODS	<p>Final exam.</p> <p>Exam type: oral exam; minimum number of questions: 2</p> <p>Evaluation: Grades on a scale between 18 and 30 cum laude.</p> <p>Evaluation Grid:</p> <ul style="list-style-type: none"> - Excellent: 30-30 cum laude. Excellent knowledge and understanding, excellent communication and argumentative skills, proper use of technical language. - Very good: 26-29. Good knowledge and understanding, good communication and argumentative skills, proper use of technical language. - Good: 24-25. Basic knowledge and understanding, average communication skills, limited argumentative skills. - Average: 21-23. Limited basic knowledge and understanding, sufficient communication skills, poor argumentative skills. - Fair: 18-20. Minimal basic knowledge and understanding, poor communication skills, poor argumentative skills. - Poor. Non-sufficient knowledge and understanding <p>Midterm Exam.</p> <p>A non-compulsory midterm exam will take place after the course's first six weeks</p> <p>Exam type: written exam (two open questions).</p> <p>Evaluation: Grades on a scale between 18 and 30 cum laude</p> <p>Evaluation grid: See above, Final exam.</p>
EDUCATIONAL OBJECTIVES	<p>The course aims at introducing the fundamental topics and concepts of legal theory and philosophy, with special attention on the debate about the concept of law, the relationship between law and morals, and the protection of fundamental rights in contemporary constitutional democracies.</p> <p>Since Legal philosophy allows to enter Class A-46 of the examination necessary to teach in schools, the course will provide a set of methodologies useful for school teaching</p>
TEACHING METHODS	class
SUGGESTED BIBLIOGRAPHY	<p>G. Pino, A. Schiavello, V. Villa (a cura di), <i>Filosofia del diritto. Introduzione critica al pensiero giuridico e al diritto positivo</i>. Edizione ridotta, Giappichelli, Torino, 2015.</p> <p>For foreign students:</p> <p>H. L. A. Hart, <i>The Concept of Law</i> (Second Edition), With a Postscript edited by P. A. Bulloch and J. Raz, Clarendon Press, Oxford 1994</p>

SYLLABUS

Hrs	Frontal teaching
2	introduction to philosophy of law
2	what is the law
2	what is the law
2	relations between law and morals
2	relations between law and morals
2	natural law theory
2	natural law theory
2	legal positivism
2	legal positivism
2	neoconstitutionalism
2	rule of law
2	constitutional state
2	constitutionalization legal systems
2	legal sources

SYLLABUS

Hrs	Frontal teaching
2	legal norm
2	legal right
2	legal system
2	legal interpretation
2	interpretative arguments
2	jurist and legislator
2	the role of the jurist in modern state
2	the role of the jurist in the constitutional state
2	democracy, an essentially contested concept
2	procedural democracy
2	deliberative democracy
2	the obligation to obey the law
2	reasons to belief and reasons to action
2	obligation to obey, the model of the bandit
2	obligation to obey, the moral model
2	obligation to obey, the autonomy model
2	balancing
2	legal clinic
2	the method of legal clinic
6	bioethics

PREREQUISITES	Basic legal notions regarding the structure of legal powers in contemporary states, the constitutional review, the national and international legal sources, the concept of right.
LEARNING OUTCOMES	<p>Knowledge and understanding: knowledge and understanding of the main problems in the field of legal theory and philosophy.</p> <p>Applying knowledge and understanding: ability to apply their knowledge and understanding to both theoretical and practical legal issues.</p> <p>Making judgments: ability to make autonomous judgments about traditional problems in the field of legal theory and philosophy.</p> <p>Communication: ability to communicate in a clear and exhaustive way, to formulate autonomous judgments on traditional problems in the field of legal theory and philosophy, and to argue in their defence.</p> <p>Lifelong learning skills: development of ratiocinative and argumentative skills, also in dialectical contexts.</p>
ASSESSMENT METHODS	<p>Final exam.</p> <p>Exam type: oral exam (min. 3 questions, one for each book).</p> <p>Evaluation: Grades on a scale between 18 and 30 cum laude.</p> <p>Evaluation Grid:</p> <ul style="list-style-type: none"> - Excellent: 30-30 cum laude. Excellent knowledge and understanding, excellent communication and argumentative skills, proper use of technical language. - Very good: 26-29. Good knowledge and understanding, good communication and argumentative skills, proper use of technical language. - Good: 24-25. Basic knowledge and understanding, average communication skills, limited argumentative skills. - Average: 21-23. Limited basic knowledge and understanding, sufficient communication skills, poor argumentative skills. - Fair: 18-20. Minimal basic knowledge and understanding, poor communication skills, poor argumentative skills. - Poor. Non-sufficient knowledge and understanding. <p>Midterm Exam.</p> <p>A non-compulsory midterm exam will take place after the course's first six weeks.</p> <p>Exam type: written exam (open questions/multiple choice questions) .</p> <p>Evaluation: grades on a scale between 18 and 30 cum laude.</p> <p>Evaluation grid: See above, Final exam.</p>
EDUCATIONAL OBJECTIVES	The course aims at introducing the fundamental topics and concepts of legal theory and philosophy, with special attention on the debate about the concept of law, the relationship between law and morals, and the protection of fundamental rights in contemporary constitutional democracies. Since Legal philosophy allows to enter Class A-46 of the examination necessary to teach in schools, the course will provide a set of methodologies useful for school teaching.
TEACHING METHODS	lectures, seminars
SUGGESTED BIBLIOGRAPHY	<p>(1) M. J. Sandel, <i>Giustizia. Il nostro bene comune</i>, Feltrinelli, Milano 2013.</p> <p>(2) B. Celano, <i>Positivismo giuridico e neocostituzionalismo</i>, dispense del corso di Filosofia del diritto (a.a. 2006-2007), parti I - IV (le dispense sono disponibili in formato pdf sulla pagina web del prof. Celano: http://brblogunocelano.spot.it/).</p>

SYLLABUS

Hrs	Frontal teaching
2	Introduction to the Course
4	The problem of justice
6	Utilitarianism
6	Libertarianism
6	Justice as fairness
18	Natural law theories
6	Neo-aristotelian virtue ethics
10	Legal positivist theories
4	Constitutionalism
2	Normativism and conventionalism
6	Constituzional democracies
6	Bioethics

PREREQUISITES	Some legal basic notions related to: the structure of power in contemporary states, constitutional State and judicial review, national and international legal sources, subjective rights.
LEARNING OUTCOMES	<p>Knowledge and understanding: knowledge and understanding of the main problems in the field of legal theory and philosophy.</p> <p>Applying knowledge and understanding: ability to apply their knowledge and understanding to both theoretical and practical legal issues.</p> <p>Making judgments: ability to make autonomous judgments about traditional problems in the field of legal theory and philosophy.</p> <p>Communication: ability to communicate in a clear and exhaustive way, to formulate autonomous judgments on traditional problems in the field of legal theory and philosophy, and to argue in their defence.</p> <p>Lifelong learning skills: development of ratiocinative and argumentative skills, also in dialectical contexts.</p>
ASSESSMENT METHODS	<p>Final exam.</p> <p>Exam type: written exam (two questions in one hour, before the oral examination, that can be substituted by the midterm exam) and an oral discussion: two questions. It aims at verifying the comprehension of the central topics and argumentative skills.</p> <p>Evaluation: Grades on a scale between 18 and 30 cum laude.</p> <p>Evaluation Grid:</p> <ul style="list-style-type: none"> - Excellent: 30-30 cum laude. Excellent knowledge and understanding, excellent communication and argumentative skills, proper use of technical language. - Very good: 26-29. Good knowledge and understanding, good communication and argumentative skills, proper use of technical language. - Good: 24-25. Basic knowledge and understanding, average communication skills, limited argumentative skills. - Average: 21-23. Limited basic knowledge and understanding, sufficient communication skills, poor argumentative skills. - Fair: 18-20. Minimal basic knowledge and understanding, poor communication skills, poor argumentative skills. - Poor. Non-sufficient knowledge and understanding. <p>Midterm Exam.</p> <p>A non-compulsory midterm exam will take place after the course's first six weeks (max three questions in two hours). Those who do not take part will make the written exam at the end of the course, before the oral examination. In case of good result, The final exam will regard the last part of the course.</p> <p>Evaluation: Grades on a scale between 18 and 30 cum laude, according with the parameters above.</p>
EDUCATIONAL OBJECTIVES	<p>The course aims at introducing the fundamental topics and concepts of legal theory and philosophy, with special attention on the debate about the concept of law, the relationship between law and morals, and the protection of fundamental rights in contemporary constitutional democracies.</p> <p>Since Legal Philosophy allows the access to the teaching in schools of class A-46 categories, it serves to the acquisition of methodologies for that task.</p>
TEACHING METHODS	There will be lectures, seminars and self-evaluating tests.
SUGGESTED BIBLIOGRAPHY	<p>F. Viola, G. Zaccaria, <i>Le ragioni del diritto</i>, Il mulino, nuova edizione; T. Pogge, <i>Poverta' mondiale e diritti umani</i>, Laterza, Roma Bari 2008 piu' alcuni materiali che saranno indicati a lezione.</p> <p>For foreign students, F. Schauer, <i>The Force of Law</i>, Harvard University Press, Cambridge 2016 and the English edition of T. Pogge, <i>Poverty and Human Rights</i>, Polity Press, Cambridge, 2008.</p>

SYLLABUS

Hrs	Frontal teaching
2	Goal and features of the philosophical legal approach
2	Methods for definition of law
4	Rules
4	Coercion
4	Institutions
4	Procedures
2	Comparison and critic of Normativism, Realism, Institutionalism, Proceduralism
2	Which methods for defining law?
4	Conflict, coordination, cooperation
6	Justice
6	From subjective rights to human rights

SYLLABUS

Hrs	Frontal teaching
6	Natural Law Theories and Legal Positivism
2	Law's goals and the definition of law
4	The birth of Modern State and its evolution
2	Rule of Law
4	The international community and its laws
2	Problems of definition of current law
2	Legal practices: interpretation
2	Legal practices: argumentation
2	Legal practices: reasoning
2	Conclusions
Hrs	Practice
4	Focus: bioethics