

[illegible]

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	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.
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>Leonardo Sciascia, <i>Todo modo</i> 1974 (qualsiasi edizione)</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 after the II world war
2	legal positivism
2	natural law theory vs. 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	law and literature: the idea of "power" in Todo modo by Sciascia

DOCENTE: Prof. BRUNO CELANO- *Lettere O-Z*

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.
TEACHING METHODS	lectures, seminars
SUGGESTED BIBLIOGRAPHY	<p>(1) B. Celano, <i>Lezioni di filosofia del diritto</i>, Giappichelli, 2018.</p> <p>(2) M. De Caro, M. Marraffa, <i>Mente e morale. Una piccola introduzione</i>, Luiss University Press, Roma, 2016.</p> <p>Gli studenti che lo desiderano potranno sostituire questo testo con i materiali indicati dal Professore Celano a lezione.</p>

SYLLABUS

Hrs	Frontal teaching
4	introduction to the course
6	Law as a normative system
6	The dynamics of legal systems
8	The paradox of nomodynamic
8	Authority
10	Rights and duties
10	Rule-based decision-making
10	The Rule of Law
10	Natural law theory v.s. legal positivism

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>Midterm Exam.</p> <p>A non-compulsory midterm exam will take place after the course's first six weeks. It will consist of a written exam: two open questions in two hours. Evaluation grid: See above, Final exam.</p> <p>Final exam.</p> <p>Exam type: for those who do not take part in the midterm exam, the final exam will consist of a written exam (two questions in one hour, before the oral examination, that can be substituted by the midterm exam) and an oral discussion. 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.
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.
TEACHING METHODS	There will be lectures, seminars, mid-term exam, and self-evaluating tests.
SUGGESTED BIBLIOGRAPHY	<p>F. Viola, G. Zaccaria, B. Pastore, <i>Le ragioni del diritto</i>, Il Mulino, 2017 (nuova edizione); T. Pogge, <i>Poverta' mondiale e diritti umani</i>, Laterza, Roma Bari 2008, cap. 7, 8, 9.</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> <p>Materiali aggiuntivi saranno consigliati durante lo svolgimento delle lezioni.</p>

SYLLABUS

Hrs	Frontal teaching
2	Goal and features of the philosophical legal approach. Legal Philosophy's tasks.
2	Methods for definition of law
10	Law as a normative discourse. Norms and rules. Legal systems
8	Law and Coercion. Coercion and legitimation of force. The contribution of coercion theories of law.
10	Law as a cooperative enterprise. Institutions and procedures. Coordination and cooperation. The contribution of institutional theories of law. Non legal coordination.
10	Law and Justice. Rights and Justice. From rights to human rights.
5	The debate between Natural Law Theories and Legal Positivism and its contribution to the definition of law
5	Law and Politics. Legal and political forms of authorities
5	The doctrine of the State and State theory of law.
5	The evolution of State law.
10	Law beyond the State and the problem of the legal character of international law.
Hrs	Practice
4	Legal clinics as a method for teaching law

