



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza		
ACADEMIC YEAR	2020/2021		
MASTER'S DEGREE (MSC)	LAW		
SUBJECT	DEONTOLOGY, SOCIOLOGY AND LAW CRITICISM		
TYPE OF EDUCATIONAL ACTIVITY	A		
AMBIT	20002-Filosofico-giuridico		
CODE	15551		
SCIENTIFIC SECTOR(S)	IUS/20		
HEAD PROFESSOR(S)	SCHIAVELLO ALDO	Professore Ordinario	Univ. di PALERMO
OTHER PROFESSOR(S)			
CREDITS	6		
INDIVIDUAL STUDY (Hrs)	102		
COURSE ACTIVITY (Hrs)	48		
PROPAEDEUTICAL SUBJECTS	15550 - LEGAL PHILOSOPHY		
MUTUALIZATION			
YEAR	4		
TERM (SEMESTER)	2° semester		
ATTENDANCE	Not mandatory		
EVALUATION	Out of 30		
TEACHER OFFICE HOURS	SCHIAVELLO ALDO Wednesday 09:00 - 12:00 Dipartimento di giurisprudenza Piazza Bologni, 8, I piano- Stanza del Direttore del Dipartimento		

DOCENTE: Prof. ALDO SCHIAVELLO- *Lettere M-Z*

PREREQUISITES	Capacity to critically reflecting on the relationship between law and justice; basic knowledge of adjudication and administration in contemporary states; basic knowledge on self-regulation as a legal source.
LEARNING OUTCOMES	<p>Knowledge and understanding: knowledge and understanding of the issues concerning the relationship between law and justice, with special attention on the requirements of public ethics and deontological codes on legal operators.</p> <p>Applying knowledge and understanding: ability to analyse typical problems faced by legal operators in the context of a constitutional democracy, and typical conflicts between personal and professional ethics.</p> <p>Making judgments: ability to propose solutions to hard deontological problems, and ability to make competent and well-supported judgments on the ethical and deontological soundness of legal actions and decisions.</p> <p>Communication: ability to correctly formulate and balance reasons in favour and against solutions to ethical and deontological problems.</p> <p>Lifelong learning skills: development the aptitude to face ethical and deontological problems from the peculiar perspective of legal operators.</p>
ASSESSMENT METHODS	<p>there are possible exams at the end of the course</p> <p>Final exam. Exam type: oral exam; 2 minimum number of questions Evaluation: Grades on a scale between 18 and 30 cum laude.</p> <p>Evaluation Grid: - 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>
EDUCATIONAL OBJECTIVES	The course aims at examining, with a multidisciplinary approach, relevant ethical and deontological issues typically faced by legal operators, encouraging students to develop a critical awareness of the requirements of their peculiar role in the context of a constitutional democracy.
TEACHING METHODS	Lectures, practice exercises
SUGGESTED BIBLIOGRAPHY	Il testo per la preparazione agli esami e' il seguente: Giorgio Maniaci, Contro il paternalismo giuridico, GIAPPICHELLI TORINO 2012, presentazione, cap. I, II, III

SYLLABUS

Hrs	Frontal teaching
2	Judge's obligations: rationality. Impartiality. Scientific truth; formal and substantial rationality
4	pros and cons formal and substantial conceptions rationality
6	Structure judicial argumentation and interpretative arguments
4	Justification judicial review
2	Authority and exclusionary reasons
2	The rule of law and final courts
2	Paternalism and antipaternalism
8	Four conditions for sufficient autonomy
6	Perfectionist argument and utilitarian argument
6	Theological argument and slippery slope
6	Non disposable rights and harm principle
2	Ordinary morality and role ethics
2	Justificating reasons in specification of professional ethics
4	Reasons of specification of legal professions
4	Civic morals and legal profesional ethics
2	The social role of lawyers
2	Deontological ethics and virtue ethics
4	Impartiality
4	Loyalty and fair play
4	Justice and rule of law

SYLLABUS

Hrs	Frontal teaching
2	Provisional Conclusions
4	Legal Ethics
4	Judges's ethics
4	Notaries's ethics
4	Mediation ethics
2	Conclusions

DOCENTE: Prof. ALDO SCHIAVELLO- *Lettere A-L*

PREREQUISITES	Capacity to critically reflecting on the relationship between law and justice; basic knowledge of adjudication and administration in contemporary states; basic knowledge on self-regulation as a legal source.
LEARNING OUTCOMES	<p>Knowledge and understanding: knowledge and understanding of the issues concerning the relationship between law and justice, with special attention on the requirements of public ethics and deontological codes on legal operators.</p> <p>Applying knowledge and understanding: ability to analyse typical problems faced by legal operators in the context of a constitutional democracy, and typical conflicts between personal and professional ethics.</p> <p>Making judgments: ability to propose solutions to hard deontological problems, and ability to make competent and well-supported judgments on the ethical and deontological soundness of legal actions and decisions.</p> <p>Communication: ability to correctly formulate and balance reasons in favour and against solutions to ethical and deontological problems.</p> <p>Lifelong learning skills: development the aptitude to face ethical and deontological problems from the peculiar perspective of legal operators.</p>
ASSESSMENT METHODS	<p>The exam will consist of a written part (with the possibility of rescheduling it earlier) and a discussion. The written test will have two open written questions on the topics.</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 examining, with a multidisciplinary approach, relevant ethical and deontological issues typically faced by legal operators, encouraging students to develop a critical awareness of the requirements of their peculiar role in the context of a constitutional democracy.
TEACHING METHODS	The course will have a first part, more theoretical (lectures), and a second one practical (seminars) dedicated to the discussion of the professional ethics of the different legal roles. In this second part various legal practitioners (judges, lawyers, notaries, public officials) will be invited to take part to the course. In this part specific and problematic cases will be discussed.
SUGGESTED BIBLIOGRAPHY	<p>I. Trujillo, <i>Etica delle professioni legali</i>, Il mulino, Bologna 2013 e F. Benatti, <i>Etica, impresa, contratto e mercato</i>, Il mulino, Bologna 2014.</p> <p>Foreign students can use: J. Waldron, <i>The concept and the Rule of Law</i>. New York University School of Law. Working Papers, November, 2008 e S.M. Roesler, <i>The Ethics of Global Justice Lawyering</i>, Yale Human Rights Development Journal, vol. 13, 1, article 3.</p>

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