



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Scienze Umanistiche
ACADEMIC YEAR	2023/2024
MASTER'S DEGREE (MSC)	PHILOSOPHICAL AND HISTORICAL SCIENCES
SUBJECT	LEGAL PHILOSOPHY
TYPE OF EDUCATIONAL ACTIVITY	C
AMBIT	21023-Attività formative affini o integrative
CODE	15550
SCIENTIFIC SECTOR(S)	IUS/20
HEAD PROFESSOR(S)	BRIGAGLIA MARCO Professore Ordinario Univ. di PALERMO
OTHER PROFESSOR(S)	
CREDITS	6
INDIVIDUAL STUDY (Hrs)	120
COURSE ACTIVITY (Hrs)	30
PROPAEDEUTICAL SUBJECTS	
MUTUALIZATION	LEGAL PHILOSOPHY - Corso: GIURISPRUDENZA LEGAL PHILOSOPHY - Corso: LAW
YEAR	1
TERM (SEMESTER)	2° semester
ATTENDANCE	Not mandatory
EVALUATION	Out of 30
TEACHER OFFICE HOURS	BRIGAGLIA MARCO Friday 11:00 13:00 Il ricevimento avverrà, dietro prenotazione, presso Piazza Bologni 8, piano 2, stanza 11. Su richiesta, si potrà concordare anche un ricevimento su Teams e, in caso di disponibilità del docente, in orari diversi da quelli su indicati.

DOCENTE: Prof. MARCO BRIGAGLIA

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>Bruno Celano, Lezioni di filosofia del diritto 2. Costituzionalismo, stato di diritto, codificazione, diritto naturale, positivismo giuridico, Giappichelli, Torino, in corso di pubblicazione.</p> <p>Norberto Bobbio, Il problema del potere. Introduzione al corso di scienza politica, Giappichelli, Torino, 2020.</p> <p>For foreign students:</p> <p>H. L. A. Hart, The Concept of Law (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
2	legal norm

SYLLABUS

Hrs	Frontal teaching
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 problem of power
2	The nature of power
2	political power
2	legitimate power
2	The question of power in Sciascia's <i>Todo modo</i>
2	Nomo-dynamic paradox
2	legal clinic
2	the method of legal clinic
6	Natural law doctrine: The pluralistic version in the <i>Oresteia</i>