

Law Degree Course, LMG/01,

**FILOSOFIA DEL DIRITTO II**

Academic Year 2021/2022,

IV-year, Second Semester, 6 CFU, 42 h.

**PROF. MASSIMO LA TORRE**

<b>General Information</b>	PHILOSOPHY OF LAW (JURISPRUDENCE) II
<b>Professor</b>	MASSIMO LA TORRE – e-mail: mlatorre@unicz.it; Office n. 2 – Department of Law, Economics and Sociology
<b>Course Contents</b>	<p>The activities of the course will take place relying on the Socratic method, thus aiming at involving students in the activity of thinking, which notably constitutes the core of philosophy. The course addresses the issues of the concept and nature of law, moving from the analysis of the contemporary jurisprudential debate.</p> <p>Frontal lectures, giving room for discussion and debate.</p>
<b>Course Targets and Expected Learning Outcomes</b>	<p>The course aims at providing the student with the fundamental notions of the legal philosophy debate, as well as making the student able to deliberate on practical issues concerning the justice of positive norms and their application and enforcement.</p> <p>The course aims at:</p> <ul style="list-style-type: none"><li>(a) providing an account of the contemporary jurisprudential debate, with many references to the more classical philosophical topics.</li><li>(b) stressing the reflection on the concept of law and on the fundamental categories that are presupposed in legal practice.</li><li>(c) pointing out the many philosophical and moral aspects of legal reasoning;</li><li>(d) stimulating the law student's practical reasoning;</li></ul>

<p><b>topics</b></p>	<p><b><u>ATTENDING STUDENT STUDY PROGRAMME</u></b></p> <p>(Book: <i>Il diritto contro se stesso</i>):  Topics: Ronald Dworkin and the legal principles revolt; Analytical Legal positivism anche the Norberto Bobbio’s contribution; “Decisionist” legal positivism and the “last” Hart; Neil MacCormick’s and Ota Weinberger’s institutional theory of law; Inclusive ed exclusive legal positivism; Law as Force theory, Legal idealism; Carlos Nino and the deliberative model; Neo-constitutionalism and legal positivism: Gustavo Zagrebelsky and Luigi Ferrajoli; postmodernist theory of law and Martti Koskenniemi; Legalism as theory of law;</p> <p>- Analysis and discussion of a NOVEL among those indicated during the course.</p> <hr/> <p><b>NON-ATTENDING STUDENT STUDY PROGRAMME</b></p> <p>(Book: <i>Norme, istituzioni, valori</i>):  Topics: <i>Law and power; normativism; Language, law and institution, Institutional theory of law; Meaning and value judgment; value judgments and justification, Law and Morality.</i>;</p> <p>ADDITIONAL PROGRAMME:</p> <p>(Book: <i>Nuovi seminari di filosofia del diritto</i>).  Topics: Accountability; The problem of Hell; Liberty and Freedom; Citizenship and republicanism</p>
<p><b>individual study Time commitment</b></p>	<p>120 Hours</p>
<p><b>Teaching Methods</b></p>	<p>Lectures, seminars, debates, and discussions.</p>

<p><b>Didactic Materials and Teaching Resources</b></p>	<p>Recommended Didactic Materials:</p> <p><b>ATTENDING-STUDENT STUDY PROGRAMME</b></p> <ul style="list-style-type: none"> <li>- M. LA TORRE, <i>Il diritto contro se stesso. Saggio sul positivismo giuridico e la sua crisi</i>, Leo S. Olschki, Firenze, 2020.</li> <li>- Attending students are to comply with the program indicated during the course, which also includes the critical analysis of a <u>NOVEL</u>, which is to be chosen from those that will be indicated.</li> </ul> <hr/> <p><b>NON-ATTENDING STUDENT PROGRAMME</b></p> <ul style="list-style-type: none"> <li>- M. LA TORRE, <i>Norme, istituzioni, valori. Per una teoria istituzionalistica del diritto</i>. Ult. Ed., Giappichelli, 2021.</li> <li>- Supplementary programme (which is mandatory for non-attending students):</li> </ul> <p>M. LA TORRE, GF. ZANETTI, <i>Nuovi seminari di filosofia del diritto</i>, Rubbettino, Soveria Mannelli, 2020 (chapters <b>1, 3, 5, 7</b>).</p>
<p><b>Support activities for students</b></p>	<p>Seminars and other additional activities will be scheduled during the lessons.</p> <p>During the course, Professor's office hours will take place before and after lessons.</p> <p>Reception: by appointment (on the Meet platform or other platform to be defined, or at University, if possible), by sending an e-mail to :</p> <p>Dr. Andrea Romeo e-mail <a href="mailto:a.romeo@unicz.it">a.romeo@unicz.it</a>  Dr. Leonardo Mellace e-mail <a href="mailto:lmellace@unicz.it">lmellace@unicz.it</a>  Dr.ssa Claudia Atzeni e-mail <a href="mailto:claudiatzn@gmail.com">claudiatzn@gmail.com</a>  Dr. Ivan Valia e-mail <a href="mailto:ivan.valia@hotmail.it">ivan.valia@hotmail.it</a></p>
<p><b>Course completion</b></p>	<p>The art. 8 of the “<i>Regolamento didattico di Ateneo</i>” (<i>University Handbook for Teaching</i>), provides a guide concerning how to attend lessons.</p> <p><u>Oral exam, with evaluation expressed in thirtieths plus possible</u></p>

<b>Assessment methods and Examination</b>	<b>Graduation</b>	<b>Arguments Knowledge</b>	<b>Ability to analyze and synthesize</b>	<b>References</b>
	Rejected	Serious shortcomings. Significant inaccuracies	Presence of frequent generalizations. Inability to synthesize topics	insufficient
	18-20	Threshold-level knowledge.	insufficient capabilities	Barely sufficient
	21-23	Basic knowledge	analyze and synthesize skills	Standard references
	24-26	non-trivial knowledge of the topics	appropriate synthesis and presentation skills	Basic references
	27-29	Appropriate knowledge of the topics	Good synthesis and presentation skills	Thorough knowledge of the main topics
	30-30L	Advanced knowledge of the topics	High synthesis and presentation skills	Detailed knowledge of all topics