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PHILOSOPHY OF LAW
(A.A 2018-2019)
Prof. Alessio Lo Giudice

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Objectives:

The lectures are devoted to develop the critical skills of knowledge and analysis of the genesis and of the constructive and functioning modalities of the order of the legal discourse in connection with other scientific fields (ethical, political, economical). The philosophical analysis on the developments of the structure of modern law could be applied both within the interpretative processes of single norms and within the more general framework of the relationship between society and institutions, for example in relation to the principle of legality, to the protection of fundamental rights and to the relationship between rule of law and democracy.

Requested Skills:

Listening and understanding skills. Reasoning skill with the necessary aptitude to grasp links between different fields of knowledge.

Course Description:

The course is meant to give students the tools for a critical understanding of the historical-conceptual origin and of the philosophical meaning of fundamental legal categories and practices. Starting from a general description of the cultural audacity that marks modernity at the beginning, the course proposes a scholarship both of the modern concept of legal and institutional order and of the crisis of that concept through the changing meanings today affecting the legal-political democratic form. Specific steps of the didactic path will be the modern concepts of subject and order; the modern theory of social contract and social bond; the sovereignty of the State; Rule of Law and Constitutional theory; democracy; the crisis of social democratic State within globalization; the complex dynamics of power legitimacy within the contemporary public space; the main contemporary theories of law and legal argumentation.

Didactic Methods:

Attending students will be requested to study a peculiar program. Such a program includes two reference books and texts presented and discussed during the lectures and made available on the on-line platform e-learning. Attending lectures implies students' involvement within a historical-conceptual path based, for each year, on a different reading key of legal modernity. That implies a didactic activity integrated with the use of PowerPoint slides and the active participation of the students by way of oral presentations. Besides, the reading of integrative texts during the lectures will allow a continuous dialogue between the Professor and students on the relevant issues.

Exams:

Oral examination

Course Materials:

Non-attending students:

Complete Exam of Philosophy of Law (15 CFU).

Program:

A) A. LO GIUDICE, La democrazia infondata. Dal contratto sociale alla negoziazione degli interessi, Carocci, Roma 2012, pp. 166.
and
B) H. KELSEN, Lineamenti di dottrina pura del diritto, Einaudi, Torino 2011, pp. 46-148 (chapters. I-VIII).
and
C) B. MONTANARI (a cura di), I luoghi della filosofia del diritto. Idee strutture mutamenti, Giappichelli, Torino 2012, pp. 372.

For the partial exam (exam of Philosophy of Law I module - 9 CFU),

A) A. LO GIUDICE, La democrazia infondata. Dal contratto sociale alla negoziazione degli interessi, Carocci, Roma 2012, pp. 166.
and
B) B. MONTANARI (a cura di), Luoghi della filosofia del diritto. Idee strutture mutamenti, Giappichelli, Torino 2012, just the essays written by G. Magrì (pp. 53-97), B. Montanari (pp. 171-207), S. Amato (pp. 211-232), G. Bombelli (pp. 23-273), A. Lo Giudice (pp. 275-311), A. Andronico (pp. 313-339).

For the partial exam (exam of Philosophy of Law II module - 6 CFU):

A) H. KELSEN, Lineamenti di dottrina pura del diritto, Einaudi, Torino 2011, pp. 46-148 (chapters I-VIII).
and
B) B. MONTANARI (a cura di), Luoghi della filosofia del diritto. Idee strutture mutamenti, Giappichelli, Torino 2012, just the essays written by G. Siniscalchi (pp. 35-51), A. Incampo (pp. 99-115), A. Costanzo (pp. 117-144), M. Tallacchini (pp. 145-169), P. Heritier (pp. 341-372).

Attending students:
the program will be presented by the Professor during the lectures.