

Legal Theory

Prof. Salvatore Amato

ECTS: 7

Number of Hours: 42

General Description

The course aims at introducing students to a number of major topics in Legal Theory, focusing particularly on the contemporary developments of the classical theories of law. The general goal is to acquaint students with a theoretical background encouraging a critical method in considering social, political and legal institutions.

Structure

In the first part of the course we will analyse some basic questions associated with the classical terms of the legal-philosophical debate and we will also focus on main contemporary interpretations of the debate. In part two we aim at offering a critical review of the most important current paradigms in Legal Theory in the light of the Nation-State crisis and within the perspective of post-national legal and political institutions.

Contents

Part 1

- The Nature of Jurisprudence
- Law and Morality
- From Natural Law to Natural Rights
- Dworkin's Rights Thesis
- American Realism
- Critical Legal Studies
- Economic Analysis of Law

Part 2

- Legal Positivism Crisis and Nation-State Crisis
- Neo-Constitutionalism
- The Procedural Turn in Legal Theory
- Discursive-Deliberative Theory
- Legal Neo-Pragmatism
- Reflexive Law and Collective Learning
- The Governance Question

Course Texts

Course attendance is based on the study of essays from different bibliographical sources, therefore the detailed references will be provided during lectures.