

## **LAW DEGREE COURSE, LMG/01**

### **Bioethical profiles of Private Law**

*a.y. 2023/2024 – First semester – 6 CFU*

**Prof. CRISTOFORO RICCI**

**Title of the course:** Bioethical profiles of Private Law

**Academic year:** 2023/2024 – First semester

**Modular structure:** No

**Academic field:** IUS/01 - PRIVATE LAW

**Professor:** Cristoforo Ricci

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**Qualification and University:** Adjunct professor at the “*Magna Graecia*” University of Catanzaro

**Number of credits allocated to the course:** 6

**Teaching organization:**

- total study hours: 150

- individual study hours: 108

- lecture hours: 42

**Course type:** Optional

**Teaching language:** Italian

**Attendance:** Not compulsory

#### **Content:**

- Bioethics, biopolitics and bio-law (definition, historical origin, epistemological status, and characteristics).
- Ethical theories in bioethics (libertarian bioethics, utilitarian bioethics, principlism, the virtue ethics approach to bioethics, feminist bioethics, bioethics of responsibility, personalist bioethics).
- The distinction between the lay and catholic perspective on bioethics (analysis and critical reliefs).
- Bioethics and the process of secularization.
- Bio-law models and sources of bio-law.
- The concept of “human person”.
- The legal status of the human embryo.
- Assisted reproductive technologies.
- Human embryo research.
- Cloning.
- Prenatal diagnosis.
- Abortion.
- Acts of body disposition.
- Informed consent.
- Sterilisation.
- Prostitution.
- Organ transplants.
- Advance healthcare directive (or living will).

**Expected Learning Outcomes:**

The course aims at making a careful study of the relationships between human life and legal regulations and at suggesting an approach to its topics that is not only technical-legal, but also ethical and anthropological. In fact, it is finalized to the students' acquisition of the indispensable starting point represented by the essential value of the human person. To achieve this result, the student is required to have a basic knowledge of Private Law, together with adequate reflective skills. The teaching also aims at encouraging the development of the students' critical skills not only about the current state of law (including the contribution of jurisprudence as «living law»), but also about the draft legal regulations in such a sensitive area of regulatory experience.

**Reference textbooks:**

At the student's choice, one of the following books:

1. PALAZZANI L., *Dalla bio-etica alla tecno-etica: nuove sfide al diritto*, Giappichelli, Turin, last edition (only on pages 3-291).
2. BRAMBILLA G., *Riscoprire la Bioetica. Capire, formarsi, insegnare*, Rubbettino, Soveria Mannelli, last edition (only on pages 7-296 and 397-485).
3. DI ROSA G., *Dai principi alle regole. Appunti di biodiritto*, Giappichelli, Turin, last edition (full text).
4. MASONI R., *Il corpo umano tra diritto e medicina*, Giuffrè, Milan, last edition (chapters 1-7, 9 and 13-23).
5. RODOTÀ S., *La vita e le regole. Tra diritto e non diritto*, Feltrinelli, Milan, last edition (full text).
6. BORSELLINO P., *Bioetica tra "moralì" e diritto*, Raffaello Cortina, Milan, last edition (chapters 1-5 and 8-12).
7. REICHLIN M., *Fondamenti di bioetica*, Il Mulino, Bologna, last edition (only on pages 11-48 and 69-150).

For the direct study of normative texts, it is essential to use a Civil Code with Complementary Legislation, among which the following edition is recommended:

1. PERLINGIERI G. and ANGELONE M. (edited by), *Codice civile*, Edizioni Scientifiche Italiane, Naples, last edition.

For attending students, the study material will be agreed on during the course.

**Teaching methods:** Lecturing

**Type of test:** Oral exam

**Evaluation criteria:** The criteria used for the evaluation of the students' performances are specified in the following grid:

Evaluation	Knowledge and understanding of the topics.	Ability to analyse and synthesize.	References.
Unsuitable.	Significant shortcomings. Significant inaccuracies.	Irrelevant. Presence of frequent generalizations. Inability to synthesize arguments.	Completely inappropriate.
18-20	Just enough. Imperfections.	Barely sufficient capabilities.	Hardly appropriate.

21-23	Ordinary knowledge.	He/she can do analysis and synthesis correctly. He/she argues in a logical and coherent way.	He/she uses the standard references.
24-26	Good knowledge.	He/she has good synthesis and presentation skills. The topics are expressed consistently.	He/she uses the standard references.
27-29	More than good knowledge.	He/she has considerable presentation and synthesis skills.	He/she explored the topics in depth.
30-30L	Excellent knowledge.	He/she has remarkable synthesis and presentation skills.	Important and detailed insights.

**Conditions of assignment of the thesis:** The assignment of the thesis takes place after a personal interview with the student in order to outline the terms of commitment and responsibility required by the thesis work.