Summaries

Pio Marconi, *Renato Treves' cultural heritage*

The author analyses Renato Treves's cultural career, examining his message in relation to the historical and social milestones that marked the development of the twentieth century. Treves first studied Kelsen in Marburg in August 1932, at a time when Nazism was preparing to take power. Then came the difficult cultural period under Italy's fascist regime and the experience of liberal socialist opposition with the Justice and Freedom movement, followed by exile in Argentina and finally his return home after the war. For Treves, cultural philosophy was a pole star in his theoretical analysis, but also a great civic lesson. The maestro was of the opinion that cultural philosophy was a means for combating totalitarian philosophies and also those forms of totalitarianism that purport to be the result of reason.

Gianluigi Palombella, *The Rule of Law. Arguments for an institutional (legal) theory*

This article aims to offer an interpretation of the potential of the Rule of Law in the present day. By conducting an historical reconstruction and comparative analysis, among other things, the notion of the Rule of Law is explained in terms of a specific normative standard, i.e. of an ideal objective, an institutional model against which existing laws can be compared critically. The normative significance is expressed here in terms of the concepts of institutional balance, not of the dominance and duality of law. Celebrated extensively in the more famous national constitutions and international charters, the ideal of the Rule of Law is defined here as a) coherent with the historical constants through which its institutional meaning comes to different forms of expression, b) extendible to the transformations of contemporary legal institutions, also beyond the state, and c) conceptually sustainable in theoretical terms, where it is expressed so as to avoid falling into the partly connected, though different, controversies about morality or about the conditions under which law is valid.

Gustavo Visentini, *The ethics of law and tolerance.*

In the pluralism of values, tolerance is the absolute moral principle which grounds its technique for cohabitation upon rationalism. The law is the technique for the rational use of authority, while the technique of the law lies in the rationality of statute law and of case law. The quality of the legislative process and of the judicial process envisages the ethical intensity of the law: the ethics

of the law lies in its techniques. The faults in legislative and judicial techniques explain Italian law's ethical weakness. The irrational use of authority is not law, but is in fact no more than the wielding of strength

Roberto Ciccarelli, *From the less legalistic extremity of law. Michel Foucault and norms.*

If we were to go no further than reading *Discipline and Punish*, law in Foucault would be no more than the expression of a repressive legal order oriented towards punishing deviant behaviour. But this article tackles the French philosopher's entire output, comparing it with that of Hans Kelsen, Hermann Kantorowicz and Max Weber and demonstrating that this reduction, of law to criminal law and of power to exclusively repressive power, does not take the basic points of Foucault's thinking into account. The hypothesis put forward here through an analysis of *Madness and Civilisation*, of *Discipline and Punish* and of *The History of Sexuality*, but also of the courses held by Foucault at the Collège de France and his intense relationship with the philosopher and historian of science Georges Canguilhem, assumes the amphibology of norms, i.e. the impossibility of reducing norms to the unity of a common genre, as the fundamental precept for the existence of a normative production that on the one hand articulates the plurality of normative codes existing in relevant fields of application, while on the other establishing communications between them and multiplying the relationships of power between normative codes and fields of application.

Tiziana Briulotta, *Matrimonial instability and judicial separations. Prevailing models of conflict in a case study*

Matrimonial instability brings meanings assimilated in the course of time and originally generated by changes taking place not only in the individual, but also in society as a whole, in the way that marriage is understood and in relations between the genders. Reacting to the trend that has the wife taking the initiative in the majority of divorce proceedings, several scholars have focused special attention on women's changing role in society, on their more widespread presence in the labour market, on the satisfaction perceived inside the couple's relationship and on new models of interaction in the family. Nevertheless, the analysis of matrimonial instability in Italy cannot avoid drawing a distinction between separations by mutual consent and judicial separations: while in the former more than half the women involved are employed and the spouses in question are more often than not in the medium to high income brackets, in the latter the proportion of employed women is significantly smaller and they tend to live in families in the lower income brackets. Although southern Italy still registers lower levels of matrimonial instability than the rest of the coun-

try, at the same time it has a higher proportion of spouses who choose the judicial path to separation. This idiosyncrasy of the South prompted further investigation of the phenomenon by analysing the texts of a sample of cases of judicial separation heard before the court of Catania, which revealed not only socio-economic variables among the spouses, but also in how they go about describing their conflicts, starting from a gender perspective.

Marcello Dei, *Juvenile deviance: practices and representations of how children in last class at elementary school and the first class at secondary school copy each others' work in class*

A first attempt to shed some light on the issue of cheating in school in Italy was made four years ago by a national sample-based survey regarding high school students. As evidence showed, 64% of the students said they cheated during class assessment tests and the large majority of the respondents claimed not to feel guilty about such behaviour because they considered it not harmful to anyone. The evidence presented here regards this form of deviance among the pupils of the junior middle school. They cheat less than high school students, feel more guilty, consider their behaviour more harmful and would sometimes even like to be checked more strictly by their teachers during tests than they are now. The habit and attitude to practise fair play diminish inexorably class after class as children grow older. Furthermore, the reasons advanced by the pupils in favour of fair behaviour at school are based more on individual interests ("Cheating is harmful in itself: if this is how you get a good grade, the one you are cheating is yourself") than on honesty and basic social values. More research and more understanding are necessary if this aspect of school mores is to be changed and social responsibility and civic culture are to be boosted among younger generations.

Realino Marra, *Pietro Rossi and Max Weber's Works in Italy*

The recent publication of Pietro Rossi's *Max Weber. Un'idea di Occidente* (2007), which collects the author's studies about the great German scholar, offered Professor Marra the opportunity for a critical insight into the reception given to Max Weber in Italy. Following Rossi, who was the editor of the Italian edition of *Wirtschaft und Gesellschaft* and of other important writings by Weber, this article focuses in particular on questioning whether the Weberian legacy has had an unduly limited impact on Italian philosophical culture.

Mario Pisani, *Academic appointments "for clear renown"*

For some time now, the Italian university system has featured the principle of the eminent scholar or scientist who can be appointed by means of an exceptional process known as *chiara fama*, or clear renown, to occupy the role of a full ("ordinary") professor, without the need to undergo the usual official competition procedures. The article illustrates the historical precedents for this figure and recent legal developments.

(English texts revised by Pete Kercher)

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