UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Filosofia del Diritto

1819-2-A5810006

Learning objectives

To learn and understand different theoretical approaches relating to what is meant with ‘Law’; to learn different theoretical approaches to Law; to learn the different theories of language and their impacts on law; to learn how to correctly use definitions in law; to learn different functions of language; to learn different linguistic, logical, and analytical tools in order to correctly define, interpret and use the main legal notions; to learn and critically analyse features and problems of law as a legal order; to learn how to argue in favour or against lines of action in the legal-ethical field.

Contents

This course in philosophy of law focuses on the application of those conceptual tools, elaborated by the analytical linguistic positivism. A first part of the course deals with some important broad areas, such as the

nature and role of philosophy of law, its relevance in the legal education, and the description of the state of the art of the theories of language and definition. A second part of the course analyses contribution from the

perspective of the analytical legal-positivism, in particular, to the evaluation of the concept of Law, and of other fundamental legal concepts as well as legal operations of interpretation and production of Law. The model of the Constitutional Rule of Law will be part of a specific analysis along with the question about the relationship between Law and Morality.

The course will be integrated with seminars and workshops whose contents will be discussed at the beginning of the course.

Detailed program

SYLLABUS FOR ATTENDING STUDENTS

The focus of the exam will be on 1) the topics discussed during the course, 2) on selected writings, 3) on selected chapters of the following books:

1. C. S. NINO, Introduzione all’analisi del diritto, Giappichelli, Torino, 1996,only those chapters discussed during the course;

2. H. KELSEN, Lineamenti di dottrina pura del diritto, Einaudi, Torino, 2002, only those chapters discussed during the course.

SYLLABUS FOR NOT ATTENDING STUDENTS

The exam includes the following books:

1) C. S. NINO, Introduzione all’analisi del diritto, Giappichelli, Torino, 1996, chapters 1, 2, 4 e 5;

2) N. BOBBIO, Teoria generale del diritto, Giappichelli, Torino, 1993;

3)And one of these books:

-L. FERRAJOLI, Manifesto per l'uguaglianza, Laterza, Bari-Roma, 2018;

-N. BOBBIO, L'età dei diritti, Einaudi, Torino, 2014;

-S. SALARDI, Discriminazioni, linguaggio e diritto. Profili teorico-giuridici. Dall'immigrazione agli sviluppi della tecno-scienza: uno sguardo al diritto e al suo ruolo nella società moderna, Giappichelli, Torino, 2015.

Prerequisites

Fluent in Italian, basic historical-philosophical and/or legal knowledge acquired during secondary school and legal knowledge implemented in the first year of the Bachelor’s course in law.

Teaching methods

Analysis of language and legal language;

Analysis of the main notions used by jurists;

Analysis of l the main theories concerning law; Critical comparison and adequate use of interpretation, of models of reasoning and argumentation in the legal field.

Assessment methods

Oral examamination

Textbooks and Reading Materials

ATTENDING STUDENTS:

1) C. S. NINO, Introduzione all’analisi del diritto, Giappichelli, Torino, 1996, only those chapters discussed during the course;

2) H. KELSEN, Lineamenti di dottrina pura del diritto, Torino, 2002, only those chapters discussed during the course.

NOT ATTENDING STUDENTS:

1) C. S. NINO, Introduzione all’analisi del diritto, Giappichelli, Torino, 1996, chapters 1, 2, 4 e 5;

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