



UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Filosofia del Diritto - M-Z

1920-2-A5810006-MZ

Learning objectives

The course's learning objectives are:

- to learn different theoretical approaches to 'Law';
- to learn to critically deal with different theoretical legal currents;
- to learn the various linguistic theories of law and their implications for the legal sphere;
- to learn to correctly use definition as a linguistic tool;
- to learn to reason about and reflect on terms, meanings, and functions of legal language;
- to learn to use linguistic, logical, and analytical tools in order to define, interpret and knowingly deploy legal notions;
- to learn and analyze features and problems of the legal order;
- to learn to argue and justify positions as regards legal solutions in every practical context.

Contents

The course focuses on the analysis of conceptual tools elaborated by the philosophy of law inspired by the legal-positivist and analytical-linguistic approach. After clarification of nature and function of the philosophy of law, of its role in the education of jurists and after an overview of linguistic theories, the course will focus on the investigation of important theoretical contributions on the part of the philosophy of law inspired by the legal-positivist and analytical-linguistic approach to the analysis of the concept of law and of other fundamental legal concepts as well

as to those operations on the part of jurists in order to interpret and produce law. Particular attention will be paid to the analysis of the constitutional rule of law and to the relationship between law and morality.

Detailed program

Philosophy of law is philosophy which deals with law. There are different approaches to philosophy of law based on the general distinction between analytic philosophy and synthetic philosophy.

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Prerequisites

Good knowledge of the Italian language, legal knowledge acquired during the first year of the Master Degree.

Teaching methods

-E-learning platform

-Powerpoint presentations

-Explanation of the analysis of language and of legal language, of the main legal concepts, of use of definition by means of concrete examples to be discussed during the class.

Assessment methods

Oral exam

The exam takes place via Webex. This method is applied starting Mai 2020 until further notice is published.

Students who want to take the exam must register both on Online Registry (Segreteria online) and on the e-learning platform for the academic year 2019-2020 irrespective of the year of attendance.

Textbooks and Reading Materials

Textbooks for attending students:

The exam will focus on those topics discussed during the class along with some parts of textbooks indicated by the teacher during the class concerning the following textbooks:

- 1) C. S. NINO, Introduzione all'analisi del diritto, Giappichelli, Torino, 1996, limitatamente alle parti indicate durante il corso;
- 2) H. KELSEN, Lineamenti di dottrina pura del diritto, Einaudi, Torino, 2002, limitatamente alle parti indicate durante il corso.

Textbooks for non attending students:

- 1) C. S. NINO, Introduzione all'analisi del diritto, Giappichelli, Torino, 1996, capitoli 1, 2, 4 e 5;
- 2) N. BOBBIO, Teoria generale del diritto, Giappichelli, Torino, 1993;

In addition one of the following textbooks:

- L. FERRAJOLI, Manifesto per l'uguaglianza, Laterza, Bari-Roma, 2018;
 - S. SALARDI, Discriminazioni, linguaggio e diritto. Profili teorico-giuridici. Dall'immigrazione agli sviluppi della tecnologia: uno sguardo al diritto e al suo ruolo nella società moderna, Giappichelli, Torino, 2015.
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