UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Teoria Generale e Metodi del Diritto - M-Z

2122-1-E1401A084-MZ

Learning objectives

Main aim of the course is to develop *critical thinking* through knowledge, understanding, and anlisys of theories and methods that characterise the legal domain and impact the legal viability. Thus, future legal experts will be able to correctly employ existing legal instruments or to elaborate new ones in order to face and regulate the complex technological-scientific questions, which are a relevant feature of the Information Society.

Contents

The course focuses on the analysis of conceptual tools and argumentation strategies elaborated by the philosophy of law inspired by the analytical-linguistic approach. Particular attention will be paid to the analysis of the constitutional rule of law and to the relationship between law, morality, and science.

Detailed program

Theories and methods of the law are framed within the philosophical-legal reflection. There are different approaches to Philosophy of law based on the general distinction between analytic philosophy and synthetic philosophy.

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 complex relationship between the Law, Science and Technology. Particular attention will be paid to the analysis of the constitutional rule of law and to the relationship between law and morality.

Prerequisites

None

Teaching methods

-E-learning platform

-Powerpoint presentations

-Discussion of cases

Assessment methods

Oral exam

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:

Francisco Javier Ansuategui Roig, *Norme, giudici, Stato costituzionale. Frammenti di un modello giuridico,* Giappichelli, 2020

Textbooks for <u>non</u> attending students:

The following books are both mandatory:

1) Francisco Javier Ansuategui Roig, *Norme, giudici, Stato costituzionale. Frammenti di un modello giuridico,* Giappichelli, 2020

-Silvia 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 (chapters 1 e 2).

Erasmus students can contact directly professor Salardi (silvia.salardi@unimib.it) to agree the English version of the programme if deemed necessary