UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Filosofia del Diritto - A-L

2223-2-A5810006-AL

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.

to understand the relationship between law and morality as well as between law and science

to promote. critical thinking

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 as well as between law and science.

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.
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 as well as between law and science. In order to allow students to develop the ability of critical thinking, that is, the ability to judge and discern when making individual and collective choices, the characteristics and modality of rational discussion and argumentation will be constitutive part of the course.
The course is in Italian

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

1. **Attending students**: the exam for attending students will consist of a written exam during the course. This will be the analysis of a short essay. This written exam will be followed by an oral exam. The final vote is calculated as the avarage of the written and oral exams.
   2)**Non attending students**: the exam for non attending students will consist of a oral exam on the arguments of the books provided for non attending students

For Erasmus students: Upon express request from Erasmus students to be communicated to the teacher (silvia.salardi@unimib.it) the exam can be held in English

Assessment criteria will include:
a) written exam (only for attending students): analytical ability, ability to relate the analysis of the essay with the cotents of the lectures, technical-linguistic quality
b) oral exam: knowledge of the contents of lectures for attending students and of the contents of the books for non attending students. For all students (attending and non attending) assessment will include evaluation of the ability to relate arguments, critical-thinking and the technical-linguistic quality

Textbooks and Reading Materials

Textbooks for attending students:

The exam will focus on those topics discussed during the class along with readings indicated by the teacher during the class.

Textbooks for non attending students:
The exam wil include the following three texts:

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

2) N. BOBBIO, Teoria generale del diritto, Giappichelli, Torino, 1993 chapters from 1 to 4;

3. 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, chapters 1 and 2.

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS