



UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Filosofia del Diritto - A-L

2425-2-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, science and technology
- to promote. critical thinking

Contents

Philosophy of law is a discipline which investigates the complexity of the legal experience through an articulated reflection on the foundation of law and justice, on the nature of normative acts, on the relationship between law and

morality, as well as law and power.

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 , law and power, as well as between law, science, and technology.

The course will be erogated in Italian.

Detailed program

Philosophy of law is a discipline which investigates the complexity of the legal experience through an articulated reflection on the foundation of law and justice, on the nature of normative acts, on the relationship between law and morality, as well as law and power.

Philosophy of law is philosophy which has law as the object of its studies. 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

Didactic activity will consist of frontal lectures and some interactive lectures on given cases, that will be made available in advance on the e-learning platform

Didactic tools:

-E-learning platform

-Powerpoint presentations

Assessment methods

Assessment criteria will include:

oral exam: knowledge of the contents of the course. Assessment will include evaluation of the ability to relate arguments, critical-thinking and the technical-linguistic quality

During the course there will be the possibility to take part in two self-evaluation multiple choice tests, online.

Students who achieve the max. score in both tests can take part in a final online test, consisting of a test with open questions

for a max. score of 10 points.

Dates of the tests will be communicated at the beginning of the course.

Assessment criteria:

-for the self-evaluation tests evaluation will concern theoretical knowledge and reasoning ability.

-for the test with open questions, evaluation will include ability of critically answering the questions posed in the test. Focus of evaluation will therefore be ability of critical analysis, of linking the arguments, and technical-linguistic quality. Max. score 10 points.

Textbooks and Reading Materials

**Textbooks for preparing the exam:

Material on the e-learning platform will be integrated with

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 of the second part of the volume;

4)S. SALARDI, Intelligenza Artificiale e semantica del cambiamento: una lettura critica, Giappichelli, 2023, chapters from 1 to 3.

Sustainable Development Goals

QUALITY EDUCATION | PEACE, JUSTICE AND STRONG INSTITUTIONS
