UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Philosophy of Law - A-L

2526-2-A5810006-AL

Learning objectives

At the end of the course, the student should have acquired:
• Knowledge and understanding of the different philosophical approaches to law, of the different theoretical perspectives related to law, with particulare attention paid to the analytical-linguistic approach and to its tools of analysis.
• Ability to apply linguistic analysis to legal language being able to identify its peculiar characteristics in relation to other languages, in particular the language of morality and of science.
• Critical thiniking in the interpretation of problems that characterize law as language, as order and as system of values.
• Communication skills when presenting and discussing legal arguments in written and oral way.
• Self-learning ability, through consultation of legal sources, legal doctrine and jurisprudence.

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 final part of the course will be dedicated to the principle of dignity and to the language of human rights.
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 final part of the course will be dedicated to the principle of dignity and to the language of human rights.
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 selected cases.

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

Textbooks and Reading Materials

**Textbooks for preparing the exam:

-Content of lectures (powerpoint and articles on the e-learning platform)

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

-N. BOBBIO, Teoria generale del diritto, Giappichelli, Torino, 1993 chapters from 1 to 4 of the second part of the volume;

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

-N. BOBBIO, L'età dei diritti, Einaudi, just part one (sul fondamento dei diritti dell'uomo, presente e avvenire dei diritti dell'uomo, l'età dei diritti, diritti dell'uomo e società).

Sustainable Development Goals

QUALITY EDUCATION | GENDER EQUALITY | PEACE, JUSTICE AND STRONG INSTITUTIONS