# .- Philosophy of Law

## Prof. Mariachiara Tallacchini

### **COURSE AIMS AND INTENDED LEARNING OUTCOMES**

The course aims to introduce philosophy and law from the point of view of the interactions between knowledge and normativity, with a focus on the current relationship between science, technology, and law in democratic societies. Although in the past the interconnection between the epistemic and normative dimension has been a constant element in the theories on the philosophical-legal discourse, it is also true that nowadays scientific models represent an ideal point of reference for the elaboration of positive law, which is based on the objectivity and certainty of the scientific method. In addition, in our contemporary societies – characterised by knowledge and innovation – technoscience has a direct influence upon legal rules, while ethics and law have become a fundamental element of the social implementation of science and technology. The growing scientific uncertainty – caused by pandemics, the unpredictable effects of digital revolution, etc. – on the one hand, has stressed the importance of the interconnection between technoscience and law, on the other hand, has favoured the introduction of soft law, non-legally binding, instruments. This means that regulation has to be legitimesed, not only through scientific evidence, but also by clarifying legal choices among different scientific scenarios. Moreover, new interactions between decision-makers and citizens involve new forms of delegation of knowledge and responsibility. The aim is to analyse and understand the reformulation of some of the traditional categories of Western philosophical-legal thinking, triggered by knowledge and innovation.

At the end of the course, students will be able to describe the most relevant theories in the field of law and philosophy of law, and put them in relation with the interconnections between law and science.

***COURSE CONTENT***

The course will be divided into two parts: the general course will offer a historical analysis of the relationship between knowledge and normativity from the point of view of the interconnection between philosophy and law; the single-subject course, instead, will be based on the study of the current relationship between science and law, with a focus on the juridical regulation of scientific uncertainty.

***READING LIST***

For all students (attending and non-attending) the teaching materials for the first part (e.g. articles and essays) will be made available online at the beginning of the course. The reference book for the second part of the course will be: N. Pitrelli, M. Tallacchini, Nuova scienza, nuova politica. Per una democrazia della conoscenza, Libellula, Tricase 2021.

***TEACHING METHOD***

Frontal lectures, multimedia teaching material, meetings with experts, discussions, and practical activities.

***ASSESSMENT METHOD AND CRITERIA***

For attending students, the final exam will be a group interim test, followed by an individual written exam. The former will consist in the analysis of specific topics related to the interconnection between science and law. The latter, instead, will consist in 15 multiple choice and 2 open-ended questions on the topics explained during the course. Each part of the exam will determine 50% of the mark. In addition, students will be assessed on their active participation in class. The final mark will result from: written exam (50%), group work (40%), and active participation in class (10%).

Non-attending students will take a written exam consisting in 30 multiple choice and 4 open-ended questions on the teaching material (e.g. essays, articles, and judgments) indicated by the lecturer. Each part of the exam will determine 50% of the mark.

***NOTES AND PREREQUISITES***

Class attendance is strongly recommended. There are no prerequisites for attending the course.

Information on office hours available on the teacher's personal page at http://docenti.unicatt.it/.